INTERNATIONAL COURT OF JUSTICE

Yearbook
1990-1991

No. 45

I.C.J. - THE HAGUE - 1991

YEARBOOK

1990-1991

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INTERNATIONAL COURT OF JUSTICE

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In March 1947 the International Court of Justice instructed the Registrar to publish a *Yearbook* providing general information concerning its organization, jurisdiction, activities and administration.

The *Yearbook* appears in the second half of each year. The present volume – forty-fifth of the series – covers the period from 1 August 1990 to 31 July 1991.

The *Yearbook* is prepared by the Registry and in no way involves the responsibility of the Court; in particular, the summaries of judgments, advisory opinions and orders contained in Chapter VI cannot be quoted against the actual texts of those judgments, advisory opinions and orders and do not constitute an interpretation of them.

Eduardo VALENCIA-OSPINA,
Registrar of the Court.

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INTRODUCTION

The *International Court of Justice*, which has its seat in The Hague, is the principal judicial organ of the United Nations.

It had as its predecessor the *Permanent Court of International Justice*, which was instituted by the League of Nations in 1920 and was dissolved in 1946.

I. Basic Texts

The constitutional texts of the Court are the Charter of the United Nations and the Statute of the Court. A third basic text is the Rules of Court.

1. Charter of the United Nations

The International Court of Justice was brought into being by the Charter of the United Nations, signed at San Francisco on 26 June 1945. The Charter deals with the Court in Article 7, paragraph 1, Article 36, paragraph 3, and Articles 92-96, which form Chapter XIV.

2. Statute of the International Court of Justice

(a) *Text of the Statute*

By virtue of Article 92 of the Charter of the United Nations, the Statute of the Court is annexed to the Charter, of which it forms an integral part. The text of the Statute, which also was signed at San Francisco on 26 June 1945, is published by the Court in the volume *I.C.J. Acts and Documents No. 5*, pages 60-89.

The above-mentioned Article indicates that the Statute is based upon that of the *Permanent Court of International Justice*. The modifications are few in number, most of them being formal adaptations designed to take account of the replacement of the League of Nations by the United Nations. The *I.C.J. Yearbook 1946-1947*, pages 101-102, gives a list of the articles modified.

(b) *States parties to the Statute*

Article 93 of the Charter provides:

> "1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
>
> 2. A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on

conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

The States parties to the Statute are listed in Chapter III, pages 50-55, of this *Yearbook*.

(c) *Amendments to the Statute*

According to Article 69 of the Statute, amendments to that instrument may be effected by the same procedure as is provided for amendments to the Charter. This procedure is set out in Chapter XVIII of the Charter (Arts. 108-109). Article 108 provides that amendments to the Charter "shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council".

Article 69 of the Statute also specifies that provisions concerning the participation in the amendment procedure of States which are parties to the Statute but are not members of the United Nations may be adopted by the General Assembly upon recommendation of the Security Council (see Chap. III, p. 55, below).

Furthermore, Article 70 of the Statute empowers the Court to propose of its own accord such amendments to the Statute as it may deem necessary.

No amendments have so far been made to the Statute.

3. *Rules of Court*

Article 30 of the Statute provides that "the Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure."

Rules of Court were adopted on 6 May 1946, and were published by the Court in the volume *I.C.J. Acts and Documents No. 1*, second edition, pages 54-83. They were based on the latest text of the Rules of the *Permanent Court*, that of 11 March 1936, with certain changes, formal and substantive, a list of which was given in *I.C.J. Yearbook 1946-1947*, pages 102-103.

From 1946 to 1972 the Rules remained unchanged, although from time to time the Court, which keeps its procedure under constant review, considered their modification. In 1967 a revision was undertaken (see *I.C.J. Yearbook 1967-1968*, p. 87; *I.C.J. Yearbook 1969-1970*, p. 114; *I.C.J. Yearbook 1970-1971*, pp. 109-110) and on 10 May 1972 the Court adopted some partial amendments of immediate interest. Amended and partly renumbered Rules of Court (see *I.C.J. Acts and Documents No. 3*, pp. 92-149) thus came into force on 1 September 1972. A Note by the Registry (*Background Note IV*, or see *I.C.J. Yearbook 1971-1972*, pp. 3-11) indicates the changes and gives a table of concordance between the 1946 Rules and those of 1972.

The work of revision was subsequently resumed, and culminated on 14 April 1978 in the adoption of a new set of Rules. These Rules of Court came into force on 1 July 1978 and as from that date replaced the 1972 amended version of those adopted in 1946. They were published in *I.C.J. Acts and Documents No. 4* (pp. 92-161) concurrently with the issue of *I.C.J. Background Note V*, entitled "Note by the Registry on the Revised Rules of Court (1978)", which includes a table of concordance as between the respective articles of the new set and its predecessor. For a rather more detailed account of the background the reader is referred to pages 111-119 of *I.C.J. Yearbook 1977-1978*, which feature an analytical table enabling the structure of the new set of Rules to be compared with that of the 1946 and 1972 sets, and a table of concordance as between the specific articles of the 1978, 1972 and 1946 Rules of Court.

II. CHRONOLOGICAL SURVEY

The Charter of the United Nations and the Statute of the Court entered into force on 24 October 1945.

After the election of its Members, on 6 February 1946, the Court met for the first time in The Hague on 1 April of the same year.

The first case entered in the General List of the Court (*Corfu Channel (United Kingdom* v. *Albania)*) was submitted on 22 May 1947.

Between then and 31 July 1991 the Court has had to deal with a total of 86 cases, i.e., 66 contentious cases and 20 advisory cases, as listed below[1]. In those cases it gave 52 judgments and 21 advisory opinions. Of the 249 orders made therein, 196 related solely to the fixing or extending of time-limits, while 220 orders related to contentious cases and 29 to advisory cases.

Title	*Dates*
(*a*) Contentious[2]	
Corfu Channel (United Kingdom v. *Albania)*	1947-1949
Fisheries (United Kingdom v. *Norway)*	1949-1951
Protection of French Nationals and Protected Persons in Egypt (France v. *Egypt)*	1949-1950
Asylum (Colombia/Peru)	1949-1950
Rights of Nationals of the United States of America in Morocco (France v. *United States of America)*	1950-1952
Request for Interpretation of the Judgment of 20 November 1950 in the Asylum case (Colombia v. *Peru)*	1950

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[1] Factual information (dates, etc.) regarding the course of the proceedings in each case is given in *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice* (see p. 131, below).

[2] In the case of proceedings instituted by means of a special agreement the names of the parties are separated by an oblique stroke.

Title	*Dates*
Haya de la Torre (Colombia v. *Peru)*	1950-1951
Ambatielos (Greece v. *United Kingdom)*	1951-1953
Anglo-Iranian Oil Co. (United Kingdom v. *Iran)*	1951-1952
Minquiers and Ecrehos (France/United Kingdom)	1951-1953
Nottebohm (Liechtenstein v. *Guatemala)*	1951-1955
Monetary Gold Removed from Rome in 1943 (Italy v. *France, United Kingdom and United States of America)*	1953-1954
Electricité de Beyrouth Company (France v. *Lebanon)*	1953-1954
Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. *Hungary)*	1954
Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. *USSR)*	1954
Aerial Incident of 10 March 1953 (United States of America v. *Czechoslovakia)*	1955-1956
Antarctica (United Kingdom v. *Argentina)*	1955-1956
Antarctica (United Kingdom v. *Chile)*	1955-1956
Aerial Incident of 7 October 1952 (United States of America v. *USSR)*	1955-1956
Certain Norwegian Loans (France v. *Norway)*	1955-1957
Right of Passage over Indian Territory (Portugal v. *India)*	1955-1960
Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. *Sweden)*	1957-1958
Interhandel (Switzerland v. *United States of America)*	1957-1959
Aerial Incident of 27 July 1955 (Israel v. *Bulgaria)*	1957-1959
Aerial Incident of 27 July 1955 (United States of America v. *Bulgaria)*	1957-1960
Aerial Incident of 27 July 1955 (United Kingdom v. *Bulgaria)*	1957-1959
Sovereignty over Certain Frontier Land (Belgium/Netherlands)	1957-1959
Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. *Nicaragua)*	1958-1960
Aerial Incident of 4 September 1954 (United States of America v. *USSR)*	1958
Barcelona Traction, Light and Power Company, Limited (Belgium v. *Spain)*	1958-1961
Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. *Lebanon)*	1959-1960
Aerial Incident of 7 November 1954 (United States of America v. *USSR)*	1959
Temple of Preah Vihear (Cambodia v. *Thailand)*	1959-1962

Title	*Dates*
South West Africa (Ethiopia v. *South Africa; Liberia* v. *South Africa)*	1960-1966
Northern Cameroons (Cameroon v. *United Kingdom)*	1961-1963
Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. *Spain)*	1962-1970
North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)	1967-1969
Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan)*	1971-1972
Fisheries Jurisdiction (United Kingdom v. *Iceland)*	1972-1974
Fisheries Jurisdiction (Federal Republic of Germany v. *Iceland)*	1972-1974
Nuclear Tests (Australia v. *France)*	1973-1974
Nuclear Tests (New Zealand v. *France)*	1973-1974
Trial of Pakistani Prisoners of War (Pakistan v. *India)*	1973
Aegean Sea Continental Shelf (Greece v. *Turkey)*	1976-1978
Continental Shelf (Tunisia/Libyan Arab Jamahiriya)	1978-1982
United States Diplomatic and Consular Staff in Tehran (United States of America v. *Iran)*	1979-1981
Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) [case referred to a Chamber]	1981-1984
Continental Shelf (Libyan Arab Jamahiriya/Malta)	1982-1985
Frontier Dispute (Burkina Faso/Republic of Mali) [case referred to a Chamber]	1983-1986
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*	1984-
Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya)*	1984-1985
Border and Transborder Armed Actions (Nicaragua v. *Costa Rica)*	1986-1987
Border and Transborder Armed Actions (Nicaragua v. *Honduras)*	1986-
Land, Island and Maritime Frontier Dispute (El Salvador/Honduras) [case referred to a Chamber]	1986-
Elettronica Sicula S.p.A. (ELSI) (United States of America v. *Italy)* [case referred to a Chamber]	1987-1989
Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway)*	1988-

Title	*Dates*
Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America)*	1989-
Certain Phosphate Lands in Nauru (Nauru v. *Australia)*	1989-
Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal)*	1989-
Territorial Dispute (Libyan Arab Jamahiriya/Chad)	1990-
East Timor (Portugal v. *Australia)*	1991-
Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. *Senegal)*	1991-
Passage through the Great Belt (Finland v. *Denmark)*	1991-
Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. *Bahrain)*	1991-

(b) Advisory

Conditions of Admission of a State to Membership in the United Nations (Article 4 of Charter)	1947-1948
Reparation for Injuries Suffered in the Service of the United Nations	1948-1949
Interpretation of Peace Treaties with Bulgaria, Hungary and Romania	1949-1950
Competence of the General Assembly for the Admission of a State to the United Nations	1949-1950
International Status of South West Africa	1949-1950
Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide	1950-1951
Effect of Awards of Compensation Made by the United Nations Administrative Tribunal	1953-1954
Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa	1954-1955
Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco	1955-1956
Admissibility of Hearings of Petitioners by the Committee on South West Africa	1955-1956
Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization	1959-1960
Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)	1961-1962
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)	1970-1971

Title	*Dates*
Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal	1972-1973
Western Sahara	1974-1975
Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt	1980
Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal	1981-1982
Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal	1984-1987
Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947	1988
Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations	1989

CHAPTER I

ORGANIZATION OF THE COURT

The organization of the International Court of Justice is governed by Articles 2-33 of the Statute of the Court and by Articles 1-18 and 32-37 of the Rules of Court.

I. MEMBERS OF THE COURT

1. Composition of the Court[1]

The Court consists of 15 Members (Statute, Art. 3, para. 1).

On 31 July 1991 the composition of the Court was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President Sir Robert Jennings	United Kingdom	5 February 2000[2]
Vice-President S. Oda	Japan	5 February 1994[2]
Judges M. Lachs	Poland	5 February 1994
T. O. Elias	Nigeria	5 February 1994
R. Ago	Italy	5 February 1997
S. M. Schwebel	United States	5 February 1997
M. Bedjaoui	Algeria	5 February 1997
Ni Zhengyu	China	5 February 1994
J. Evensen	Norway	5 February 1994
N. K. Tarassov	USSR	5 February 1997
G. Guillaume	France	5 February 2000
M. Shahabuddeen	Guyana	5 February 1997
A. Aguilar Mawdsley	Venezuela	5 February 2000
C. G. Weeramantry	Sri Lanka	5 February 2000
R. Ranjeva	Madagascar	5 February 2000

The Members of the Court are elected for nine years, one-third of the total number of judges being elected every three years; they may be re-elected (Statute, Art. 13). In the event of a vacancy, an election is held and the new judge holds office for the remainder of his predecessor's term (Statute, Arts. 14 and 15). Though replaced, Members of the Court finish any cases they have begun (Statute, Art. 13, para. 3).

---

[1] For the composition of chambers, see pp. 15-16, below.

[2] The terms of office of Judges Sir Robert Jennings and Oda as President and Vice-President respectively expire in 1994.

As required by Article 7 of the Statute, the Secretary-General of the United Nations prepares for each election a list of the persons nominated in accordance with Articles 5 and 6. The election is held by the General Assembly and the Security Council of the United Nations, proceeding independently of each other and simultaneously (Statute, Arts. 8-12). The States parties to the Statute of the Court which are not members of the United Nations take part in the election by the General Assembly in the same manner as Members of the United Nations (General Assembly resolution 264 (III) of 8 October 1948; see Chap. III, pp. 54-55, below).

Members of the Court elected during the same session of the General Assembly whose terms of office begin on the same date take precedence according to seniority of age; Members elected at a previous session take precedence; in the event of immediate re-election a Member retains his former precedence (Rules, Art. 3, paras. 2-4).

The Court elects its President and Vice-President; they are both elected for three years and take precedence over the other judges (Statute, Art. 21, para. 1; Rules, Art. 3, para. 5, Arts. 10-14, Art. 18, para. 2, and Art. 32).

2. *Changes in the Composition of the Court in 1990-1991*

Until February 1991, the Court was composed as follows: *President* J. M. Ruda; *Vice-President* K. Mbaye; *Judges* M. Lachs, T. O. Elias, S. Oda, R. Ago, S. M. Schwebel, Sir Robert Jennings, M. Bedjaoui, Ni Zhengyu, J. Evensen, N. K. Tarassov, G. Guillaume, M. Shahabuddeen, R. S. Pathak.

On 15 November 1990 elections were held to fill the vacancies due to arise on 5 February 1991 with the expiry of the terms of office of Judges J. M. Ruda, K. Mbaye, Sir Robert Jennings, G. Guillaume and R. S. Pathak.

Judges Sir Robert Jennings and G. Guillaume were re-elected. Messrs. A. Aguilar Mawdsley, C. G. Weeramantry and R. Ranjeva were elected to be Members of the Court as from 6 February 1991.

The following had also been candidates in the elections: Judge R. S. Pathak, Messrs. A.-K. Amega, S. K. B. Asante, H. Gros Espiell, M. Y. Mudawi, D. Patel, E. P. Razafindralambo, S. Sucharitkul, S. M. Sy and E. P. Syquia.

On 7 February 1991 the Court elected Judge Sir Robert Jennings to be President and Judge S. Oda to be Vice-President.

3. *Former Presidents and Vice-Presidents and Former Members of the Court*

The following judges served as President or Vice-President before the present holders of those offices:

1946-1949, J. G. Guerrero and J. Basdevant;

1949-1952, J. Basdevant and J. G. Guerrero[1];
1952-1955, Sir Arnold McNair and J. G. Guerrero[1];
1955-1958, G. H. Hackworth and A. H. Badawi[2];
1958-1961, H. Klaestad and Sir Muhammad Zafrulla Khan;
1961-1964, B. Winiarski and R. J. Alfaro;
1964-1967, Sir Percy Spender and V. K. Wellington Koo;
1967-1970, J. L. Bustamante y Rivero and V. M. Koretsky;
1970-1973, Sir Muhammad Zafrulla Khan and F. Ammoun[3];
1973-1976, M. Lachs and F. Ammoun[3];
1976-1979, E. Jiménez de Aréchaga and Nagendra Singh;
1979-1982, Sir Humphrey Waldock[4] and T. O. Elias[5];
1982-1985, T. O. Elias[6] and J. Sette-Camara;
1985-1988, Nagendra Singh and G. Ladreit de Lacharrière[7];
1988-1991, J. M. Ruda and K. Mbaye.

Apart from the present judges, the following have been Members of the Court (the names of those who have died are preceded by an asterisk):

	Country	*Period of Office*
* R. J. Alfaro	Panama	1959-1964
* A. Alvarez	Chile	1946-1955
* F. Ammoun	Lebanon	1965-1976

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[1] While he was Vice-President of the Court, Judge Guerrero acted as President, by virtue of Article 13, paragraphs 1 and 2, of the 1946 Rules, in the following cases: *Corfu Channel (United Kingdom* v. *Albania); Protection of French Nationals and Protected Persons in Egypt (France* v. *Egypt); Rights of Nationals of the United States of America in Morocco (France* v. *United States of America); Ambatielos (Greece* v. *United Kingdom); Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Minquiers and Ecrehos (France/United Kingdom); Monetary Gold Removed from Rome in 1943 (Italy* v. *France, United Kingdom and United States of America).*

[2] While he was Vice-President of the Court, Judge Badawi acted as President, by virtue of Article 13, paragraph 1, of the 1946 Rules, in the cases concerning *Interhandel (Switzerland* v. *United States of America), Interim Protection,* and *Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria).*

[3] While he was Vice-President of the Court, Judge Ammoun acted as President, by virtue of Article 11 and Article 13, paragraph 1, of the then Rules of Court, in *Appeal relating to the Jurisdiction of the ICAO Council, Nuclear Tests (Australia* v. *France), Interim Protection,* and *Nuclear Tests (New Zealand* v. *France), Interim Protection.*

[4] Sir Humphrey Waldock died on 15 August 1981. The functions of the Presidency were thereafter exercised by T. O. Elias as Acting President, by virtue of Article 13, paragraph 1, and Article 14 of the 1978 Rules of Court.

[5] Vice-President Elias was for a time Acting President in *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and in the proceedings relating to the Orders made on 20 January and 1 February 1982 in *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America).*

[6] Judge Elias continued to act as President in *Continental Shelf (Libyan Arab Jamahiriya/Malta)* after 5 February 1985, by virtue of Article 32, paragraph 2, of the 1978 Rules of Court.

[7] Judge Ladreit de Lacharrière died on 10 March 1987. On 6 May 1987 the Court elected Judge Mbaye to be its Vice-President for the remainder of his predecessor's term.

* E. C. Armand-Ugon	Uruguay	1952-1961
* Ph. Azevedo	Brazil	1946-1951
* A. H. Badawi	Egypt	1946-1965
* J. Basdevant	France	1946-1964
* R. R. Baxter	United States	1979-1980
C. Bengzon	Philippines	1967-1976
* J. L. Bustamante y Rivero	Peru	1961-1970
* L. F. Carneiro	Brazil	1951-1955
* F. de Castro	Spain	1970-1979
* R. Córdova	Mexico	1955-1964
* Ch. De Visscher	Belgium	1946-1952
* H. C. Dillard	United States	1970-1979
* A. El-Erian	Egypt	1979-1981
A. El-Khani	Syria	1981-1985
* I. Fabela	Mexico	1946-1952
* Sir Gerald Fitzmaurice	United Kingdom	1960-1973
* I. Forster	Senegal	1964-1982
* S. A. Golunsky	USSR	1952-1953
A. Gros	France	1964-1984
* J. G. Guerrero	El Salvador	1946-1958
* G. H. Hackworth	United States	1946-1961
* Hsu Mo	China	1946-1956
* L. Ignacio-Pinto	Benin	1970-1979
* P. C. Jessup	United States	1961-1970
E. Jiménez de Aréchaga	Uruguay	1970-1979
* H. Klaestad	Norway	1946-1961
F. I. Kojevnikov	USSR	1953-1961
* V. M. Koretsky	USSR	1961-1970
* S. B. Krylov	USSR	1946-1952
* G. Ladreit de Lacharrière	France	1982-1987
* Sir Hersch Lauterpacht	United Kingdom	1955-1960
* Sir Arnold McNair	United Kingdom	1946-1955
K. Mbaye	Senegal	1982-1991
* G. Morelli	Italy	1961-1970
* L. M. Moreno Quintana	Argentina	1955-1964
* P. D. Morozov	USSR	1970-1985
H. Mosler	Federal Republic of Germany	1976-1985
* Nagendra Singh	India	1973-1988
C. D. Onyeama	Nigeria	1967-1976

* L. Padilla Nervo	Mexico	1964-1973
R. S. Pathak	India	1989-1991
* S. Petrén	Sweden	1967-1976
* Sir Benegal Rau	India	1952-1953
* J. E. Read	Canada	1946-1958
J. M. Ruda	Argentina	1973-1991
J. Sette-Camara[1]	Brazil	1979-1988
* Sir Percy C. Spender	Australia	1958-1967
* J. Spiropoulos	Greece	1958-1967
* K. Tanaka	Japan	1961-1970
* S. Tarazi	Syria	1976-1980
* Sir Humphrey Waldock	United Kingdom	1973-1981
* V. K. Wellington Koo	China	1957-1967
* B. Winiarski	Poland	1946-1967
* Sir Muhammad Zafrulla Khan	Pakistan	1954-1961 and 1964-1973
* M. Zoričić	Yugoslavia	1946-1958

II. JUDGES *AD HOC*

If in a case the Court, or a chamber of the Court, includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge; similarly, if the Court or the chamber includes upon the Bench no judge of the nationality of the parties, each of these parties may choose a judge (Statute, Art. 31; Rules, Arts. 7-8, Art. 17, para. 2, Arts. 35-37, Art. 91, para. 2, and Art. 102, para. 3). Should there be several parties in the same interest they are reckoned for this purpose as one party only (Statute, Art. 31, para. 5; Rules, Art. 36 and Art. 37, para. 2).

Since the institution of the Court, judges *ad hoc* have been chosen in the following cases (unless otherwise indicated, they held the nationality of the appointing party):

Corfu Channel (United Kingdom v. *Albania)*. Albania chose Mr. I. Daxner (Czechoslovakia), who sat upon the Bench when the preliminary objection was heard, and Mr. B. Ečer (Czechoslovakia), who sat when the case was heard on the merits and also for the assessment of amount of compensation.

Asylum (Colombia/Peru), Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case (Colombia v. *Peru)* and *Haya de*

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[1] In accordance with Article 13, paragraph 3, of the Statute and Article 17, paragraph 4, of the Rules of Court, Judge Sette-Camara continues to sit as President of the Chamber in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*.

la Torre (Colombia v. *Peru).* Mr. J. J. Caicedo Castilla was chosen by Colombia and Mr. L. Alayza y Paz Soldán by Peru.

Ambatielos (Greece v. *United Kingdom).* Mr. J. Spiropoulos was chosen by Greece.

Anglo-Iranian Oil Co. (United Kingdom v. *Iran).* Mr. K. Sandjabi was chosen by Iran.

Nottebohm (Liechtenstein v. *Guatemala).* Mr. C. García Bauer[1] was chosen by Guatemala and Mr. P. Guggenheim (Switzerland) by Liechtenstein.

Monetary Gold Removed from Rome in 1943 (Italy v. *France, United Kingdom and United States of America).* Mr. G. Morelli was chosen by Italy.

Right of Passage over Indian Territory (Portugal v. *India).* Mr. M. Fernandes was chosen by Portugal and the Hon. M. A. C. Chagla by India.

Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. *Sweden).* Mr. J. Offerhaus was chosen by the Netherlands and Mr. F. J. C. Sterzel by Sweden.

Interhandel (Switzerland v. *United States of America).* Mr. P. Carry was chosen by Switzerland.

Aerial Incident of 27 July 1955 (Israel v. *Bulgaria).* Mr. Justice Goitein was chosen by Israel and Mr. J. Žourek (Czechoslovakia) by Bulgaria.

Aerial Incident of 27 July 1955 (United States of America v. *Bulgaria)*[2]. Mr. J. Žourek (Czechoslovakia) was chosen by Bulgaria.

Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. *Nicaragua).* Mr. R. Ago (Italy) was chosen by Honduras and Mr. F. Urrutia Holguín (Colombia) by Nicaragua.

Barcelona Traction, Light and Power Company, Limited (Belgium v. *Spain)*[2]. Mr. W. J. Ganshof van der Meersch was chosen by Belgium and Mr. F. de Castro by Spain.

South West Africa (Ethiopia v. *South Africa; Liberia* v. *South Africa).* Sir Louis Mbanefo (Nigeria)[3] was chosen by Ethiopia and Liberia and the Hon. J. T. van Wyk by South Africa.

Northern Cameroons (Cameroon v. *United Kingdom).* Mr. P. Beb a Don was chosen by Cameroon.

Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. *Spain).* Belgium chose Mr. W. J. Ganshof van der Meersch, who sat upon the Bench when the preliminary objections were heard, and Mr. W. Riphagen (Netherlands), who sat in the second phase. Spain chose Mr. E. C. Armand-Ugon (Uruguay).

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[1] The Government of Guatemala had first chosen as judge *ad hoc* Mr. J. C. Herrera and subsequently Mr. J. Matos.

[2] Case removed from the list before the Court had occasion to sit.

[3] The Governments of Ethiopia and Liberia had first chosen as judge *ad hoc* the Hon. J. Chesson, subsequently Sir Muhammad Zafrulla Khan and then Sir Adetokunboh A. Ademola.

North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands). Mr. H. Mosler was chosen by the Federal Republic of Germany and Mr. M. Sørensen (Denmark) by Denmark and the Netherlands.

Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan).* Mr. Nagendra Singh was chosen by India.

Nuclear Tests (Australia v. *France).* Sir Garfield Barwick was chosen by Australia.

Nuclear Tests (New Zealand v. *France).* Sir Garfield Barwick (Australia) was chosen by New Zealand.

Trial of Pakistani Prisoners of War (Pakistan v. *India).* Pakistan chose Sir Muhammad Zafrulla Khan, who sat in the proceedings on the request for interim measures up to 2 July 1973, and Mr. Muhammad Yaqub Ali Khan[1].

Western Sahara. Mr. A. Boni (Ivory Coast) was chosen by Morocco.

Aegean Sea Continental Shelf (Greece v. *Turkey).* Mr. M. Stassinopoulos was chosen by Greece.

Continental Shelf (Tunisia/Libyan Arab Jamahiriya). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya and Mr. J. Evensen (Norway) by Tunisia.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) (case referred to a Chamber). Mr. M. Cohen was chosen by Canada.

Continental Shelf (Libyan Arab Jamahiriya/Malta). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya. Mr. J. Castañeda (Mexico) was chosen by Malta and sat in the proceedings culminating in the Judgment on Italy's application for permission to intervene. Mr. N. Valticos (Greece) was chosen by Malta to sit when the case was heard on the merits.

Frontier Dispute (Burkina Faso/Republic of Mali) (case referred to a Chamber). Mr. F. Luchaire (France) was chosen by Burkina Faso and Mr. G. Abi-Saab (Egypt) by the Republic of Mali.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America).* Mr. C.-A. Colliard (France) has been chosen by Nicaragua.

Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab

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[1] This case was removed from the list before the Court had occasion to hear argument on the question of its jurisdiction.

Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya)*. Mrs. S. Bastid (France) was chosen by Tunisia and Mr. E. Jiménez de Aréchaga (Uruguay) by the Libyan Arab Jamahiriya.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras) (case referred to a Chamber). Mr. N. Valticos (Greece) has been chosen by El Salvador and Mr. M. Virally (France) was chosen by Honduras. Following the death of Mr. Virally[1], Mr. S. Torres Bernárdez (Spain) has been chosen by Honduras.

Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway)*. Mr. P. H. Fischer has been chosen by Denmark.

Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America)*. Mr. M. Aghahosseini has been chosen by the Islamic Republic of Iran.

Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal)*. Mr. H. Thierry (France) has been chosen by Guinea-Bissau. Following the expiry of Judge Mbaye's term of office on 5 February 1991 Senegal no longer had a judge of its nationality on the bench. It has therefore chosen Mr. K. Mbaye to sit as judge *ad hoc*.

Territorial Dispute (Libyan Arab Jamahiriya/Chad). Mr. G. M. Abi-Saab (Egypt) has been chosen by Chad.

Passage through the Great Belt (Finland v. *Denmark)*. Mr. B. Broms has been chosen by Finland and Mr. P. H. Fischer by Denmark.

III. CHAMBERS

1. Chamber of Summary Procedure

The Statute (Art. 29) provides that, with a view to the speedy despatch of business, the Court shall form annually a Chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. The Court also selects two judges for this Chamber for the purpose of replacing judges who find it impossible to sit. Under Article 15 of the Rules of Court, the President and Vice-President are members of this Chamber ex officio, the other members and the substitutes being elected. The Chamber of Summary Procedure has never as yet been called upon to meet.

On 7 February 1991 the Chamber of Summary Procedure was formed as follows: President Sir Robert Jennings; Vice-President Oda; Judges Schwebel, Ni and Evensen, members; Judges Tarassov and Aguilar Mawdsley, substitute members.

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[1] See *I.C.J. Yearbook 1988-1989*, p. 14.

2. Chambers Formed under Article 26, Paragraph 2, of the Statute

The Statute (Art. 26, para. 2) provides that the Court may form a chamber for dealing with a particular case, the number of judges constituting such a chamber being determined by the Court with the approval of the parties.

By an Order of 8 May 1987 the Court, at the request of the Parties and pursuant to Article 26, paragraph 2, of the Statute, formed a Chamber to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*. The composition of this Chamber was as follows: Judge Sette-Camara, *President*; Judges Oda and Sir Robert Jennings; Judges *ad hoc* Valticos and Virally.

After the death of Judge *ad hoc* Virally, the Agent of Honduras, by a letter dated 9 February 1989, informed the Court that his Government had chosen Mr. Santiago Torres Bernárdez to sit as Judge *ad hoc* in the place of Judge *ad hoc* Virally. By an Order dated 13 December 1989 the Court took note of the death of Judge *ad hoc* Virally and the nomination of Mr. Torres Bernárdez and of a number of communications from the Parties, noted that it appeared that El Salvador had no objection to the choice of Mr. Torres Bernárdez, and that no objection to that choice appeared to the Court itself, and declared the Chamber to be composed as follows: Judge Sette-Camara, *President*; Judges Oda and Sir Robert Jennings; Judges *ad hoc* Valticos and Torres Bernárdez.

3. Chambers Provided for in Article 26, Paragraph 1, of the Statute

The Statute (Art. 26, para. 1) provides also that the Court may from time to time form one or more chambers, composed of three or more judges, as the Court may determine, for dealing with particular categories of cases: for example, labour cases and cases relating to transit and communications. Cases are heard and determined by these chambers if the parties so request.

The Court has not had occasion to apply the provisions of Article 26, paragraph 1, of the Statute.

In the recent past, the Court has considered the matter of the possible formation of a chamber to deal with environmental disputes. It took the view that it was not necessary to set up a standing special chamber, but emphasized that it was able to respond rapidly to requests for the constitution, pursuant to Article 26, paragraph 2, of the Statute, of a special chamber which could deal with any case, and therefore any environmental case.

4. Provisions in the Rules relating to Chambers

Articles 15-18 and 90-93 of the Rules of Court contain the provisions relating to chambers.

IV. Assessors

Article 30, paragraph 2, of the Statute and Article 9 of the Rules of Court provide that the Court may, either *proprio motu* or upon a request made not later than the closure of the written proceedings, decide, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it, without the right to vote. The chambers also have the power to appoint assessors.

These provisions have not been applied up to the present.

V. The Registrar

The Court appoints its Registrar (Statute, Art. 21, para. 2; Rules, Art. 22).

The present Registrar is Mr. Eduardo Valencia-Ospina (see Chap. V, pp. 126-127, below).

VI. Privileges and Immunities

Article 19 of the Statute provides: "The Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

In the Netherlands, pursuant to an exchange of correspondence between the President of the Court and the Minister for Foreign Affairs, dated 26 June 1946, they enjoy, in a general way, the same privileges, immunities, facilities and prerogatives as Heads of Diplomatic Missions accredited to Her Majesty the Queen of the Netherlands (*I.C.J. Acts and Documents No. 5*, pp. 200-207). In addition, in accordance with the terms of a letter dated 26 February 1971 from the Minister for Foreign Affairs of the Netherlands, the President of the Court takes precedence over the Heads of Mission, including the Dean of the Diplomatic Corps, who is immediately followed by the Vice-President of the Court and thereafter the precedence proceeds alternately between Heads of Mission and the Members of the Court (*ibid.*, pp. 210-213).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 206-211), the General Assembly of the United Nations approved the agreement concluded with the Government of the Netherlands in June 1946 and recommended that "... if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there" and that "... judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys."

The same resolution contains also a recommendation calling upon Members of the United Nations to recognize and accept United Nations *laissez-passer* issued to the judges by the Court. Such *laissez-passer* have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations.

Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges "shall be free of all taxation".

CHAPTER II

BIOGRAPHIES OF JUDGES

Biographies of judges who held office in the period 1 August 1990 to 31 July 1991 will be found below.

I. MEMBERS OF THE COURT ON 31 JULY 1991

President Sir Robert Yewdall JENNINGS

(Member of the Court since 6 February 1982; re-elected as from
6 February 1991; President since February 1991)

Born on 19 October 1913.

Studied at Cambridge University, obtaining the degrees of M.A. and LL.B., and subsequently at Harvard University (Choate Fellow, 1936-1937). Honorary Doctor of Law, Universities of Hull (1987), Saarland (1988), and Rome (1990).

Assistant Lecturer in Law, London School of Economics (1938-1939). Lecturer (1946-1955) and subsequently Whewell Professor of International Law in the University of Cambridge (1955-1982). Reader in International Law to the Inns of Court Council of Legal Education (1959-1970).

Fellow (since 1939), Senior Tutor (1949-1955) and sometime President of Jesus College, Cambridge.

Called to the Bar of Lincoln's Inn (1943); Honorary Bencher of Lincoln's Inn (since 1970); Queen's Counsel (since 1969).

Counsel in the *Rio Encuentro*, *Beagle Channel*, Franco-British *Continental Shelf Delimitation* and Dubai-Sharjah *Frontier Delimitation* arbitrations; appeared as Counsel before the Court in the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* case.

Sometime legal consultant to a number of Governments (Argentina, Bangladesh, Brunei, Canada, Sudan, Venezuela, Sharjah, etc.).

Judge *ad hoc*, European Court of Human Rights, in *X* v. *United Kingdom* (1982).

Member of the Permanent Court of Arbitration (since 1982).

Public International Law Editor of the *International and Comparative Law Quarterly* (1957-1959). Editor of the *British Year Book of International Law* (1959), first with Sir Humphrey Waldock, and then as senior editor from 1974 to 1982.

Associate (1957), Member (1967), Vice-President (1979), President (1981) and Honorary Member (1985) of the Institute of International Law. Honorary Life Member of the American Society of International Law.

Gave the general course on principles of international law at the Hague Academy of International Law (1967).

Author of various books, articles and monographs.

Vice-President Shigeru ODA

(Member of the Court since 6 February 1976; re-elected as from 6 February 1985; Vice-President since February 1991)

Born on 22 October 1924.

Law degree, University of Tokyo (1947). Doctor of Law (JSD), Yale University (1953). Doctor of Law, University of Tôhoku (1962). Doctor *honoris causa* of the Bhopal University, India (1980), and of the New York Law School (1981).

Research Fellow in international law, University of Tokyo (1947-1949). Lecturer (1950-1953), Associate Professor (1953-1959) and Professor (1959-1976) at the University of Tôhoku. Professor Emeritus (1985). Technical Adviser to the Atomic Energy Commission (1961-1964) and to the Council for Marine Science and Technology in the Prime Minister's Office (1968-1971). Special Assistant to the Minister for Foreign Affairs (1973-1976). Member of the Science Council of the Ministry of Education (1969-1976), of the Council for Ocean Development in the Prime Minister's Office (1971-1976), and of the Advisory Committee for Co-operation with the United Nations University (1971-1976).

Delegate to the United Nations Conferences on the Law of the Sea (1958, 1960 and 1973-1975); member of the United Nations Group of Experts on Marine Science and Technology (1967-1968); Alternate Representative of Japan on the United Nations Committee on the Peaceful Uses of the Sea-bed and Ocean Floor (1968-1973); Legal Consultant to the ESCAP Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (1969, 1972 and 1975). Member of the panel of the International Atomic Energy Agency on the Legal Implications of the Disposal of Radio-active Waste into the Sea (1961-1963) and of the Agency's group of experts for the Study of the Character and Purpose of Appropriate Observation of Peaceful Nuclear Explosions (1970). Representative of Japan at the sixth General Conference of the Inter-Governmental Oceanographic Commission (1969); Chairman of the Working Group on Legal Questions related to Scientific Investigations of the Ocean (1968-1975). Alternate Member of the Asian-African Legal Consultative Committee (1971-1975).

Counsel for the Federal Republic of Germany before the International Court of Justice in the *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* cases (1968).

Member of the Executive Councils of the Japanese Society of International Law and of the Japanese branch of the International Law Association. Associate (1969) and Member (1979) of the Institute of International Law. Honorary Member of the American Society of International Law (1975).

Editor-in-chief of the *Japanese Annual of International Law* (1973-1977). Lecturer on the "International Law of the Resources of the Sea" at the Hague Academy of International Law (*Recueil des cours*, 1969).

Publications: in English – *International Control of Sea Resources*, reprinted edition with a new introduction, 1989; *The International Law of the Ocean Development* (4 vols.), 1972-1979; *The Law of the Sea in Our Time* (2 vols.), 1977; *International Law of the Resources of the Sea*, reprinted edition with supplement (1979); *The Practice of Japan in International Law 1961-1970* (edited with H. Owada), 1982; in Japanese – *International Law of the Sea* (1956, revised ed. 1969); *International Law of Marine Resources* (3 vols.), 1971-1975; *Judicial Decisions of the Japanese Courts involving International Law* (edited with T. Sogawa), 1978, revised and updated edition, 1991; *The Law of the Sea*, Vol. I, 1979; *The Law of the Sea: 25 Years of Recollections*, 1981; *Treaties and Conventions* (edited with Y. Ishimoto), 1983; *Commentary on the United Nations Convention on the Law of the Sea*, Vol. I, 1985; *The International Court of Justice*, 1987; *A Collection of Essays on the Law of the Sea*, 1989; and various articles on international law in English and in Japanese.

Judge Manfred LACHS

(Member of the Court since 6 February 1967; re-elected as from 6 February 1976 and again as from 6 February 1985; President 1973-1976)

Born on 21 April 1914.

LL.M., *Dr. juris* (1937) and Laureate of Jurisprudence (1987) (Cracow); Doctor of the University of Nancy; D.Sc. (Law), University of Moscow; Doctor *honoris causa* of the Universities of Algiers, Brussels, Bucharest, Budapest, Delhi, London, New York, Nice, Sofia, Southampton, Helsinki, Vienna, and of Bridgeport University, Connecticut, Dalhousie University, Halifax, N.S., Howard University, Washington, D.C., Simon Fraser University, Vancouver, B.C., State University of New York and the University of Silesia.

Member of the Polish Academy of Sciences; Director, Institute of Legal Sciences, Polish Academy of Sciences (1961-1966); Member and First Vice-President (1987-1989) of the Institute of International Law; Corresponding Member of the Institut de France (1980); Honorary Member, International Academy of Astronautics (1964); Corresponding Member of the Academy of Moral Sciences, Bologna (1966); Honorary Member of the Academia Mexicana de Derecho Internacional; President of the International Institute of Space Law; Vice-President of the Curatorium of the Hague Academy of International Law; Foreign Member of the Dutch Society of Sciences (1982); Honorary Fellow, Institute of Social Studies, The Hague (1982). Member (1964-1980), Vice-Chairman (1978-1980) and Honorary Senior Fellow (1983), United Nations Institute for Training and Research; Distinguished Fellow of the Delian Institute of International Relations (Athens); Member of the International Advisory Panel on the Restatement of the Law, the Foreign Relations Law of the United States.

Member of the Arbitral Tribunal for the Interpretation of the Constitution of Unesco (1949); of the Permanent Court of Arbitration (since 1956); President of the Arbitration Tribunal on the Delimitation of the Maritime

Frontier between Guinea and Guinea-Bissau (1983-1985); Member of the Chamber of the Court in the *Frontier Dispute (Burkina Faso/Republic of Mali)* case; Chairman of the United Nations Legal Sub-Committee on the Peaceful Uses of Outer Space (1962-1966); Member of the International Law Commission (1962-1966), Rapporteur 1962, Vice-Chairman 1966; Chairman, Sub-Committee of the International Law Commission on Succession of States and Governments (1963); Special Rapporteur on Succession of States and Governments, International Law Commission; Member of the International Civil Service Advisory Board of the United Nations (1958-1967); of the Special Committee on Procedures, United Nations Conference on Trade and Development (1964); Member, Independent Commission on International Humanitarian Issues, Geneva.

Chairman (1949, 1951, 1955) and Vice-Chairman (1952) of the Sixth Committee of the United Nations General Assembly. General Rapporteur of a colloquium of the International Association of Juridical Sciences, Rome (1958). Honorary Member of the American Society of International Law and of the Indian Society of International Law; Member of the Council, International Institute for Peace and Conflict Research, Stockholm (since 1965); Member of the Olympic Arbitral Tribunal; Member of the Editorial Board of the *Polish Yearbook of International Law* and of the *Leiden Journal of International Law*.

Award of the Polish Minister of Higher Education for educational achievements (1958); Gold Medal of the Union of Polish Students (1960); Award of the International Astronautical Federation and International Institute of Space Law (1962), and Gold Medal (1966), for "outstanding contributions to the development of the rule of law for outer space"; World Jurist Award of the World Peace through Law Center (1975); Netherlands Wateler Peace Prize (1976); Copernicus Medal of the Polish Academy of Sciences; *Encyclopaedia Britannica* Award Laureate (1987); Grotius Prize (1987); First Prize for Scientific Achievements of the Polish Academy of Sciences (1988).

Professor in the Academy of Political Sciences, Warsaw (1949-1952); Professor of International Law in the University of Warsaw (since 1952); Member of the Codification Commission of Poland (1957-1964). Lectures at 25 universities in countries of Europe, Asia, Africa and North and South America. Röling Professor at the University of Groningen, Netherlands (1990).

Director of the Legal and Treaties Department of the Polish Ministry of Foreign Affairs (1947-1960); Legal Adviser to the Minister for Foreign Affairs (1960-1966); Minister Plenipotentiary (1959-1960); Ambassador (1960-1966); member, Polish delegation to the United Nations War Crimes Commission (1944-1946); Legal Adviser of the Polish delegation at the Paris Peace Conference (1946); Representative of Poland in the Disarmament Committee of the United Nations (1962-1964).

Principal publications: *War Crimes, An Attempt to Define the Issues*, London, 1945; *The Geneva Agreements on Indochina*, (in Polish) Warsaw, 1955, (in Russian) Moscow, 1956; "Le développement et les fonctions des traités multilatéraux" in the *Collected Courses* of the Academy of International Law, The Hague, 1957; *Multilateral Treaties* (in Polish), Warsaw, 1958, published also in Russian (Moscow, 1960), in Hungarian (Budapest, 1962) and in Spanish (by the Universidad Nacional Autónoma de México, 1962); *The Polish-German Frontier* (in English, French, German and Spanish), Warsaw, 1964, 2nd ed. 1965; "The International Law of Outer Space", in the *Collected Courses* of the Academy of International Law, The Hague, 1964; *The Law of Outer Space*, Leyden, 1972; in Spanish: *El Derecho del Espacio Ultraterrestre*, Mexico, Madrid, Buenos Aires, 1977; "The Development and General Trends of International Law in Our Time", General Course in Public International Law, *Collected Courses* of the Academy of International Law, The Hague, 1980; *The Teacher in International Law (Teachings and Teaching)* (awarded the certificate of the American Society of International Law, 1983), The Hague, 1982, 2nd ed. 1986; *Le monde de la pensée en droit international – Théories et pratique*, Paris, 1988; and 140 articles in 11 languages.

Judge Taslim Olawale ELIAS

(Member of the Court since 6 February 1976; re-elected as from 6 February 1985; Vice-President from February 1979; Acting President from August 1981 to February 1982; President 1982-1985)

Born on 11 November 1914.

B.A., LL.B., LL.M. and Ph.D. of the University of London (1944-1949). LL.D. of the University of London (1962). Called to the Bar at the Inner Temple (1947) of which he was a Yarborough Anderson Scholar. Queen's Counsel (1961). Doctor of Laws *honoris causa* of Dakar (1962), Ahmadu Bello (1972), Ife (1974), Howard (1975), Jodhpur (1976), Hull (1980), Dalhousie (1983), Nairobi (1983), Manchester (1984), Buckingham (1986), Jos (1987) and Lagos State (1987) Universities; Doctor of Letters *honoris causa* of the Universities of Ibadan (1969), Nsukka (1973) and Lagos (1974); Doctor of Science (Econ.) *honoris causa*, London (1983).

Legal Counsel (1949-1960). Research Fellow at the Universities of Manchester (1951-1953) and Oxford (1954-1960). Governor of the School of Oriental and African Studies, University of London (1957-1960); Corresponding Member since 1970. Visiting Professor of Political Science at the University of Delhi (1956). Professor of Law and Dean of the Faculty of Law, Lagos University (1966-1972). Distinguished Fellow of the Delian Institute of International Relations, Athens (1986). Distinguished Emeritus Professor of the Lagos State University (1987). Gold Medallist of the University of Lagos (1987). First and Life Chancellor of the Lagos State University.

Attorney-General of Nigeria (1960-1972 except from January to October 1966). Minister of Justice (1960-1966) and Commissioner for Justice (1967-1972). Chief Justice of the Supreme Court of Nigeria (1972-1975). Chairman of the Advisory Judicial Committee (1972-1975).

Commander of the Federal Republic of Nigeria (CFR) (1963); Nigerian National Merit Award (NNMA) (1979); Grand Commander of the Order of the Niger (GCON) (1983).

Member (1961-1975), General Rapporteur (1965-1966) and Chairman (1970) of the United Nations International Law Commission. Leader of the Nigerian delegation to the Conference held to consider the Draft Convention on the Settlement of Investment Disputes between States and Nationals of other States (1963) and to the Special Committee on the Principles of International Law concerning Friendly Relations and Co-operation among States (1964). Chairman of the Committee of the Whole at the United Nations Conference on the Law of Treaties (Vienna, 1968 and 1969). Member of the United Nations Committee of Experts which drafted the Constitution of the Congo (1961 and 1962). Member of the Expert Committee which drafted the OAU Charter (1963) and Chairman of the Committee which drafted the Protocol of Mediation, Conciliation and Arbitration (1964). Representative of the OAU and Nigeria before the International Court of Justice in the proceedings concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*.

President of the Nigerian Society of International Law (since 1968). Member (1983) and Elected Honorary Member (1989) of the Institute of International Law. Member of the International Law Association (1965). Member of the Executive Council of the International Institute of Human Rights (1969). Member of the International Commission of Jurists (since 1961). President of the Asian-African Legal Consultative Committee (1972). Honorary Member of the American Society of International Law (since 1973). President of the World Association of Judges (since 1975) under the auspices of the World Peace Through Law Center. Member of the Curatorium of the Hague Academy of International Law (since 1975). Honorary Fellow of the Nigerian Institute of Advanced Legal Studies, University of Lagos (1981). Honorary Member of the Society of Public Teachers of Law, United Kingdom (1981). Chairman of the Sixth Commonwealth Law Conference held in Lagos (1980). Vice-President of the World Bank Administrative Tribunal (1980-1981). President of the court for the final round of the Philip C. Jessup International Law Moot Court Competition (1981). Honorary Bencher of the Inner Temple (1982). Fellow of University College, London (1982). Titulary Member International Maritime Law Association (1982). Member of the Council of Management of the British Institute of International and Comparative Law (1983). Foreign Honorary Member of the American Academy of Arts and Sciences (1984). Associate Member of the International Academy of Comparative Law (1984). President of the World Association for International Relations (1984). President of the African Society of International and Comparative Law (1986). President of the African Association of International Law (1986). Member of the Permanent Court of Arbitration (1987). Member of the International Advisory Board of Freedom Internationale, England (1989).

Editor of the *Nigerian Law Journal* (1968-1973) and of the *Nigerian Annual* and the *Annual Proceedings of the Nigerian Society of International Law*. Member of Panel of Experts advising Managing Committee of the Noma Award for Publishing in Africa, administered by the African Book Publishing Record, Hans Zell Publishers Ltd., Oxford, England (1979); Member of the Editorial Advisory Board of the *Journal of Third World Legal Studies*, Washington University, St. Louis (1981); Member of the Editorial Board of the *Law Reports of the Commonwealth*, School of Oriental and African Studies, University of London (1985); Member of the Editorial Advisory Board of the *Denning Law Journal*, University of Buckingham (1985); Member of the Honorary Advisory Board of Editors, Law and Educational Publishers Ltd., Lagos (1986); Member of the Board of Editors of the *Journal of the African Society of International and Comparative Law* (1989) and of the *Modern Law Review*, London School of Economics (1989). Lecturer at the Hague Academy of International Law (on "Problems concerning the Validity of Treaties", *Recueil des cours*, 1971) and elsewhere.

Publications include: *Makers of Nigerian Law*, 1956; *The Impact of English Law upon Nigerian Customary Law*, 1960; *Nigerian Land Law*, 4th ed., 1962; *The Nature of African Customary Law*, 2nd ed., 1962 (translated into French and Russian); *British Colonial Law – A Comparative Study*, 1962; *Ghana and Sierra Leone: the Development of Their Laws and Constitutions*, 1962; *Government and Politics in Africa*, 2nd ed., 1963; *The Nigerian Legal System*, 1963; *Nigeria: the Development of Its Laws and Constitution*, 1967; *Africa and the Development of International Law*, 2nd rev. ed., 1988; *Law in a Developing Society*, 1973; *The Modern Law of Treaties*, 1974; *Judicial Process in Commonwealth Africa*, Lagon, University of Ghana, 1976; *New Horizons in International Law*, 1979; *Africa before the World Court*, 1981; *The International Court of Justice and Some Contemporary Problems*, 1983; Inaugural lecture, Josephine Onoh Memorial Series on the subject of "New Trends in Contemporary International Law", University of Hull (1984); contributed to *Encyclopaedia of Public International Law*, No. 7 (1984): "History of the Law of Nations, Regional Development: Africa". Numerous articles in law journals.

Judge Roberto AGO

(Judge *ad hoc* in the case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras* v. *Nicaragua)*; Member of the Court since 6 February 1979; re-elected as from 6 February 1988. President of the Chamber formed to deal with the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*)

Born at Vigevano (Pavia) in 1907.

Doctor of Law and Doctor in Political Sciences (University of Naples). Doctor *honoris causa* of the Universities of Nancy, Nice, Paris II, Geneva and Toulouse.

Professor of International Law at the Universities of Catania (1934-1935) and of Genoa (1935-1938), at the State University of Milan (1938-1956) and finally at the University of Rome (1956-1982); Professor emeritus at the University of Rome (since 1983). Full Member of the Accademia Nazionale dei Lincei.

Member and subsequently Chairman of the United Nations International Law Commission.

Head of the Italian delegation to International Labour Conferences (1946-1978); Representative of the Italian Government on the ILO Governing Body; Chairman of that Body (1954-1955 and 1967-1968), of its Government Group, and of its Committee on Freedom of Association. Member of the ILO Committee of Experts on Application of Conventions and Recommendations.

Delegate of Italian Government to numerous international conferences. Head of Italian delegation to United Nations Conferences on the Law of the Sea (1958, 1960), Diplomatic Relations (1961) and the Law of Treaties (1968, 1969); President of Conference on the Law of Treaties. Member of the Italian State delegation for the revision of the Lateran concordat and the negotiation of understandings with other confessions.

Counsel for the Italian and various other governments in cases before the Permanent Court of International Justice, the International Court of Justice and other international tribunals. Member of the Permanent Court of Arbitration. Member or President of various commissions of arbitration or conciliation. President of various arbitration tribunals, in particular the Franco-German tribunal on the Saar and that between France and the United States on the *Interpretation of the Air Transport Agreement* (1963).

Chairman of the Curatorium of the Hague Academy of International Law. Frequent lectures at that Academy, at the Graduate Institute of International Studies, Geneva, and at foreign universities and institutes.

Member of the Institute of International Law and various learned bodies. President of the Italian Society for International Organization. Honorary President of the World Federation of United Nations Associations.

Director and co-director of various Italian law reviews.

Author of numerous works and articles, including the following: *Teoria del diritto internazionale privato, Parte generale*, Padua, 1934; "La responsabilità indiretta nel diritto internazionale", *Archivio di diritto pubblico*, 1936; "Règles générales des conflits de lois", *Recueil des cours*, Hague Academy of International Law, 1936; "La regola del previo esaurimento dei ricorsi interni in tema di responsabilità internazionale", *Archivio di diritto pubblico*, 1938; "Le délit international", *Recueil des cours*, Hague Academy of International Law, 1939; *Lezioni di diritto internazionale*, Milan, 1943; *Scienza giuridica e diritto internazionale*, Milan, 1950; "Considerazioni su alcuni sviluppi dell'organizzazione internazionale", *La Comunità internazionale*, 1952; "Diritto positivo e diritto internazionale", *Comunicazioni e Studi dell'Istituto di diritto internazionale e straniero* *dell'Università di Milano*, 1955, and in *Scritti in onore di Tomaso Perassi*, 1957; "Science juridique et droit international", *Recueil des cours*, Hague Academy of International Law, 1956; "La codification du droit international et les problèmes de sa réalisation", *Recueil d'études de droit international en hommage à Paul Guggenheim*, Geneva, 1969; "Droit des traités à la lumière de la Convention de Vienne", *Recueil des cours*, Hague Academy of International Law, 1971; "Caratteri generali della comunità internazionale e del suo diritto", Università degli Studi di Roma, *Lezioni dell'anno accademico 1974-1975*; "The Internationally Wrongful Act of the State, Source of International Responsibility", eight reports to the International Law Commission, 1969-1979; "Pluralism and the Origins of the International Community", *Italian Yearbook of International Law*, 1977; "Studi sulla responsabilità internazionale", *Pubblicazioni della Facoltà di Giurisprudenza dell'Università di Camerino*, Vol. I, 1979; Vols. II and III, 1986; "Les premières collectivités interétatiques méditerranéennes", *Mélanges offerts à Paul Reuter. Le droit international: unité et diversité*, Paris, 1981; "The First International Communities in the Mediterranean World", *British Year Book of International Law*, 1982; "Le droit international dans la conception de Grotius", *Recueil des cours*, The Hague, 1983; "Positivism (International Law)", *Encyclopaedia of Public International Law*, ed. R. Bernhardt, Inst. Un., Amsterdam, 1985. "I quaranta anni delle Nazioni Unite", *La Comunità internazionale*, 1986; "Nouvelles réflexions sur la codification du droit international", *Mélanges offerts à Shabtai Rosenne*, Leiden, 1989; "Les avis consultatifs 'obligatoires' de la Cour internationale de Justice. Problème d'hier et d'aujourd'hui", *Mélanges à la mémoire de Michel Virally*, 1990; " 'Binding' Advisory Opinions of the International Court of Justice", *American Journal of International Law* (to be published).

Judge Stephen M. SCHWEBEL

(Member of the Court since 15 January 1981; re-elected
as from 6 February 1988)

Born in New York City, on 10 March 1929.

Harvard University, B.A. *magna cum laude* with highest honours in government (1950); Cambridge University, studies in international law (1951); LL.B., Yale Law School (1954). Doctor *honoris causa*, Bhopal University, India (1982).

Admitted to the Bar of the State of New York (1955); of the Supreme Court of the United States (1965); and of the District of Columbia (1976).

Attorney, White & Case, New York (1954-1959).

Assistant Professor of Law, Harvard University (1959-1961).

Professor of International Law and subsequently Edward B. Burling Professor of International Law and Organization, the School of Advanced International Studies, The Johns Hopkins University, Washington, D.C.

(1967-1981). Visiting lecturer or professor at Cambridge University (1957, 1983); the Australian National University (1969); the Hague Academy of International Law (1972); the Graduate Institute of International Studies, Geneva (1980); and at other universities or institutes in the United States and elsewhere.

Assistant Legal Adviser, Department of State (1961-1966); Special Assistant to the Assistant Secretary of State for International Organization Affairs (1966-1967); Consultant to the Department of State (1967-1973). Counselor on International Law, Department of State (1973-1974); Deputy Legal Adviser, Department of State (1974-1981).

Legal Adviser to the United States delegation, and Alternate Representative in the Sixth Committee, during sessions of the United Nations General Assembly (1961-1965). United States representative and chairman of the United States delegation to various committees of the United Nations, including the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (1964); the Special Committee on the Question of Defining Aggression (1971); and the UNCTAD Working Group on a Charter of Economic Rights and Duties of States (1973-1974).

Member of the International Law Commission of the United Nations (1977-1981). Chairman of the Drafting Committee (1978); Special Rapporteur on the Law of the Non-Navigational Uses of International Watercourses (1977-1981).

Participated as Associate Representative, Representative, Counsel or Deputy Agent of the United States in various cases before the International Court of Justice (between 1962 and 1980). Member of the Board of Arbitration in *British Petroleum Company* v. *Iran and the National Iranian Oil Company* (1982-1985) and arbitrator or president in other international commercial arbitrations (1988-) .

Executive Vice-President and Executive Director of the American Society of International Law (1967-1973). Honorary Vice-President (1983-).

Member of the Board of Editors, *American Journal of International Law* (1967-1981). Chairman of the Editorial Advisory Committee, *International Legal Materials* (1967-1973).

Member of the Institute of International Law; the American Law Institute; the American Society of International Law; the American Branch of the International Law Association; the American Bar Association; and the Council on Foreign Relations. Honorary Member of the Indian Society of International Law. Member of the International Advisory Committee of the Cambridge University Research Centre in International Law; the Board of Electors of the Whewell Professorship of International Law of Cambridge University; and the Board of Overseers' Committee to Visit the Harvard Law School.

Author of *The Secretary-General of the United Nations: His Political Powers and Practice*, 1952; *The Effectiveness of International Decisions*, 1971 (as editor); "Aggression, Intervention and Self-Defence in Modern

International Law", *Recueil des cours*, Hague Academy of International Law, 1972; reports to the International Law Commission on the law of the non-navigational uses of international watercourses; *International Arbitration: Three Salient Problems* (1987); and some ninety articles, notes and book reviews in legal and other publications. Research and drafting assistant to United Nations Secretary-General Trygve Lie in the writing of *In the Cause of Peace*, 1954.

Judge Mohammed BEDJAOUI

(Member of the Court since 19 March 1982; re-elected as from 6 February 1988; President of the Chamber formed to deal with the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*)

Born at Sidi-Bel-Abbes, Algeria, on 21 September 1929.

Doctor of Law. Diploma of the Institute of Political Studies (University of Grenoble).

"Avocat stagiaire" at the Court of Appeal of Grenoble (1951-1953). Research Assistant at the Centre national de la recherche scientifique (CNRS), France (1956-1958).

Legal Adviser to the Provisional Government of the Republic of Algeria (1958-1961) and as such participated in the independence negotiations at Evian and Lugrin.

Executive Secretary to the President of the National Constituent Assembly at Algiers (1962). Secretary-General of the Government (1962-1964).

Dean of the Faculty of Law and Economics of the University of Algiers (1964-1965).

Minister of Justice and Keeper of the Seals (1964-1970).

Algerian Ambassador to France (1970-1979). Permanent delegate of Algeria to Unesco (1971-1979). Ambassador and Permanent Representative of Algeria to the United Nations in New York (1979-1982).

Co-President of the United Nations Commission of Enquiry to Iran (February-March 1980). Vice-President of the United Nations Council for Namibia (1979-1982). Chairman of the Group of 77 (1981-1982). Chairman of the Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Member of the Arbitration Tribunal in the delimitation of the maritime boundary between Guinea and Guinea-Bissau (1983-1985) and of the Arbitration Tribunal for the delimitation of the maritime boundary between Guinea-Bissau and Senegal (1985-1989). Arbitrator or President in several international commercial arbitrations.

Participated in various sessions of the United Nations General Assembly as member, deputy-head or head of the Algerian delegation. Head of the Algerian delegations to the United Nations Conferences on Succession of States in Respect of Treaties (1977) and the Law of the Sea (1976-

1980). United Nations Consultant Expert at the Vienna Conference on Succession of States in respect of State Property, Archives and Debts (1983).

Took part in various sessions of the OAU Council of Ministers and OAU Summit Meetings, and in various ministerial meetings or conferences of heads of State and government of the non-aligned countries, as member, deputy-head or head of the Algerian delegation.

Member of the International Law Commission (1965-1982).

Member of the Institute of International Law. Member of the French Society for International Law. Member of the Scientific Council of the Institut du droit économique de la mer of the Principality of Monaco. Member of the Governing Board of the Foundation for International Studies of the University of Malta, Valletta.

Author of numerous works and articles.

Judge Ni Zhengyu

(Member of the Court since 6 February 1985)

Born in Jiangsu, China, 28 July 1906.

Bachelor of Arts (Chitz University, Shanghai); Bachelor of Laws (Soochow University Law School, Shanghai); Juris Doctor (Stanford University); Honorary Scholar (Johns Hopkins University); Doctor of Laws *honoris causa* (Osmania University, India).

Lecturer on Public International Law, Private International Law, Comparative Law, Civil Law, Civil Procedure, Judicial Organization, etc., at Soochow University Law School (Shanghai), the Great China University (Shanghai), the China Public Institute (Woosung), Chitz University (Shanghai), Chaoyang Law College (Chongqing), Soochow-Shanghai Union College of Law and Commerce (Chongqing), 1930-1945.

Professor of Law and concurrently Dean of the Law Faculty and Dean of Studies, Soochow University Law School, 1948-1954.

Member, Shanghai Bar Association since 1931.

Member, International Prosecution Section, International Military Tribunal for the Far East (1946-1948).

Legal Counsel, Ambassador, Ministry of Foreign Affairs of the People's Republic of China (1956-1984). Legal Counsel of Chinese Delegation to the twenty-seventh session of the United Nations General Assembly (1972). Legal Counsel of Chinese Delegation to the United Nations Sea-bed Committee (1972-1973). Legal Counsel of Chinese Delegation to the Third Conference on the Law of the Sea (in Caracas, 1974; Geneva, 1975; New York, 1977; New York and Geneva, 1981 and 1982). Chinese Language Co-ordinator in the Drafting Committee of the Third Conference on the Law of the Sea (New York and Geneva, 1981 and 1982).

Member, Board of Directors, Chinese Society of International Law (1980-).

Member, United Nations International Law Commission (1982-1984).

Member, National Committee of the Chinese People's Consultative Council (1959-1984).

Honorary President of the Board of Directors, Chinese Society of Oceanography (1985-).

Author of many works and articles on international law and related subjects.

Judge Jens Evensen

(Judge *ad hoc* in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*; Member of the Court since 6 February 1985)

Born at Oslo, Norway, on 5 November 1917.

Law degree, University of Oslo (1942); Studies abroad: Postgraduate studies at Minnesota Law School and Columbia Law School (1947); Harvard Law School (1952-1953); Doctor of Laws, Harvard University; Honorary Doctorate at the Heriot-Watt University, Edinburgh, Scotland; Part-time Associate at the Woodrow Wilson International Center for Scholars, Washington, D.C. (1975-1976).

Police Inspector and Public Prosecutor in *High Treason* cases, Oslo (1945-1946). Advocate, Supreme Court (1951). Law practice including period as Deputy Solicitor-General (1949-1961). Lecturer at the Law Faculty of the University of Oslo (1945-1973). Censor at the Law Faculty of the University of Oslo (1945-1973). Legal Adviser to the Norwegian Broadcasting Corporation. Delegate to the European Broadcasting Union (EBU).

Director-General of the Legal Department, Ministry of Foreign Affairs (1961-1973); Ambassador for negotiating the trade agreement with the European Communities (1972). Ambassador, International Law Adviser to the Ministry of Foreign Affairs (1979-1985).

Chairman of the Norwegian Commission on Maritime Limits (1961-1984); Chairman of the Norwegian Petroleum Council (1965-1979) and various other Norwegian governmental committees.

Legal Counsel for Norway before the International Court of Justice in the *Fisheries (United Kingdom* v. *Norway)* case (1949-1951) and *Certain Norwegian Loans (France* v. *Norway)* case (1955-1957); Counsel of Norway in the advisory case concerning *Certain Expenses of the United Nations* (1961-1962); Agent and Counsel of Norway before the European Commission of Human Rights and the European Court of Human Rights (1962-1963; 1967-1969) and Counsel for Norway before various international tribunals including the United States Court of Claims acting as an International Arbitral Tribunal.

Minister of Commerce and Shipping (1973-1974).

Minister for the Law of the Sea (1974-1978).

Head of the Norwegian delegation to the Third United Nations Conference on the Law of the Sea (1973-1982), one of the Vice-Presidents of the Conference. Chairman of the Norwegian delegation to the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea (1983-1985). Representative of Norway to the Sixth Committee of the General Assembly of the United Nations. Head of the Norwegian delegation to the United Nations Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction; Vice-Chairman of the Committee (1968-1973).

Member of the United Nations International Law Commission (1979-1985); Special Rapporteur on the Law of the Non-Navigational Uses of International Watercourses (1982-1985).

Associate Member of the Institut de droit international (since 1971). Member of the Permanent Court of Arbitration (since 1978). Member of the Norwegian-Icelandic Conciliation Commission established according to the Agreement of 28 May 1981 for the Delimitation of the Continental Shelf between Iceland and Jan Mayen.

Lectures on "Aspects of International Law relating to Modern Radio Communications", *Collected Courses*, Academy of International Law, The Hague (1965). Lectures during the extramural session of the Academy of International Law (Brasilia, 1983) on "The United Nations Convention on the Law of the Sea of 10 December 1982". Lectures on "International Law and Nuclear Weapons" at the twelfth conference of the World Peace through Law Center (Berlin, 1985). Lectures on "Working Methods and Procedures in the Third United Nations Conference on the Law of the Sea", *Collected Courses*, Academy of International Law, The Hague (1986).

Lectures at universities and societies in Norway and abroad: Belgium, Colombia, Denmark, Egypt, Finland, France, Germany, Greece, Iceland, India, Japan, the Netherlands, Poland, Sweden, Switzerland, Turkey, the United Kingdom, the United States, the USSR and Yugoslavia, on topics such as: Hugo Grotius — His Life and Impact on the Law of Nations; The International Court of Justice; International Law and Nuclear Weapons; International Watercourses; The Law of the Sea; Mankind's Right to Peace; Oil Policy and International Petroleum Legislation; The Protection of the Environment in the Modern Law of Nations; and the United Nations Charter.

Author of several books and articles.

Judge Nikolai Konstantinovitch TARASSOV

(Member of the Court since 9 December 1985; re-elected
as from 6 February 1988)

Born at Moscow on 2 October 1923.

Graduated from the Law Faculty of Moscow State University. Postgraduate studies at the same University.

Consultant to the Legal Department of the Presidium of the Supreme Soviet of the USSR (1949-1953).

Head of secretariat for the Secretary of the Presidium of the Supreme Soviet of the USSR (1953-1956).

Counsellor, Embassy of the USSR in Iran (1956-1961).

Head of section, Deputy Head of Department, and Head of Department in the Ministry of Foreign Affairs of the USSR (1961-1968).

Deputy Permanent Representative of the USSR to the United Nations, New York (1968-1972).

Ambassador of the USSR to Mexico (1972-1976).

From 1976 to his election to the Court, Principal Counsellor, Department of Foreign Policy Planning, Ministry of Foreign Affairs of the USSR.

Representative of the USSR to numerous United Nations bodies (Commission on Human Rights, 1968-1972; Committee for sanctions against Southern Rhodesia).

Member of the USSR delegation to several sessions of the United Nations General Assembly (twenty-third to twenty-sixth ordinary sessions; fifth special session on South West Africa, 1967; fifth emergency special session on Arab-Israeli Conflict, 1967).

In his personal capacity, member of the Committee for the Elimination of Racial Discrimination and member of the International Civil Service Advisory Board (1970-1972).

Head of USSR delegation to the Vienna talks on mutual force and armaments reductions and related measures in Central Europe (1976-1981) and at the seminar on economic, scientific and cultural co-operation in the Mediterranean (1984).

Member of the Soviet International Law Association.

Judge Gilbert GUILLAUME

(Member of the Court since 14 September 1987; re-elected
as from 6 February 1991)

Born at Bois-Colombes, France, on 4 December 1930.

Licence (Bachelor's degree) in law, University of Paris. Diplôme from the Paris Institute of Political Studies; Diplôme d'études supérieures d'économie politique et de science économique (Diploma of Advanced Studies in Political Economy and Economic Science), University of Paris.

Alumnus of the Ecole nationale d'administration.

Member of the Council of State, as Auditeur (1957), then Maître des Requêtes (1963), and most recently Councillor of State (1981).

Legal Adviser to the State Secretariat for Civil Aviation (1968-1979); French Representative on the Legal Committee of the International Civil Aviation Organization (ICAO) (1968-1979) and Chairman of the Committee (1971-1975); French Representative on the Legal Commission to the ICAO Assembly (1968, 1971, 1974 and 1977); delegate to the diplomatic conferences on the suppression of the unlawful seizure of aircraft (The Hague, 1970), the suppression of unlawful acts against the safety of civil aircraft (Montreal, 1971) and air safety (Rome, 1973); President of the Diplomatic Conference on the Liability of the Carrier (Montreal, 1975); Head of the French delegations to the diplomatic conferences on the liability of the carrier vis-à-vis third parties (Montreal, 1978) and the non-use of force against civil aircraft (Montreal, 1984).

Chairman of the Conciliation Commission, Organisation for Economic Co-operation and Development (1973-1978); Member of the European Space Agency Appeals Board (1975-1978); Director of Legal Affairs, Organisation for Economic Co-operation and Development (1979).

Director of Legal Affairs, Ministry of Foreign Affairs (1979-1987).

Counsel for France in the arbitration proceedings between France and the United States over the Franco-American air agreement (1978); Agent for France in the arbitration proceedings between France and Canada over the Franco-Canadian fisheries agreement (1986); Agent for France in numerous cases before the Court of Justice of the European Communities and the European Commission and Court of Human Rights. French Representative on the Central Commission for the Navigation of the Rhine (1979-1987); Chairman of the Commission (1981-1982); French Representative on the Asian-African Legal Consultative Committee (1980-1987).

French delegate to the General Assembly of the United Nations (Sixth Committee) (1982-1987); Head of the French delegation to the Third United Nations Conference on the Law of the Sea (1982), the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Vienna, 1983) and the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations (Vienna, 1986).

Member of the Permanent Court of Arbitration (since 1980). Designated arbitrator by the International Telecommunications Satellite Organization and by the International Civil Aviation Organization, the International Chamber of Commerce, the Kuala Lumpur Regional Centre for Commercial Arbitration, the Cairo Regional Centre for Arbitration – the two latter bodies established under the auspices of the Afro-Asian Legal Committee – and the International Centre for the Settlement of Investment Disputes (ICSID).

Professor at the Institute of Political Studies, University of Paris, and at the Institut international d'administration publique (IIAP).

President of the French branch of the International Law Association (ILA). Vice-President of the French Society for International Law. Honorary Chairman of the French Society for Air and Space Law. Member of the International Institute of Law of the French-speaking Countries (IDEF). Member of the International Institute of Space Law. Member of the Académie de marine. Member of the Scientific Board of the *Revue générale de droit international public*. Chairman of the Board of Directors of the *Revue française de droit aérien et spatial*.

Author of numerous works and articles. Has given a course on "Terrorism and International Law" at the Hague Academy of International Law ("Terrorisme et droit international", *Recueil des cours*, 1989).

Judge Mohamed SHAHABUDDEEN

(Member of the Court since 6 February 1988)

Born at Vreed-en-Hoop, Demerara, Guyana, on 7 October 1931.

Bar Finals, London Inns of Court (1952). Called to the Bar, Middle Temple, London (1954). Queen's Counsel (1966). London University degrees – LL.B., B.Sc. (Econ.), LL.M., Ph.D., LL.D.

Private practice (1954-1959) followed by public legal service. Magistrate (1959). Crown Counsel (1959-1962). Solicitor General (1962-1973). Attorney General (1973-1987). Minister of Justice (1978-1987). Other ministerial appointments, including Acting Foreign Minister from time to time (1980-1987).

Member of various Guyana delegations on bilateral missions to other countries (1962-1987). Also member of various Guyana delegations to other international meetings, including: United Nations General Assembly (1972); United Nations Conference on Succession of States in respect of Treaties, Vienna (1977); Commonwealth Heads of Government Meetings, Lusaka (1979), Melbourne (1981), New Delhi (1983), Nassau (1985) and Vancouver (1987); the Cancun North/South Summit (1981); the General Assembly of the Organization of American States, St. Lucia (1981); Meetings of Ministers of Foreign Affairs of Non-Aligned Countries, Georgetown (1972) and New Delhi (1981); Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, Algiers (1981); the Conference of Heads of State or Government of Non-Aligned Countries, New Delhi (1983); the Commonwealth Caribbean Heads of Government Meetings, Ocho Rios (1982), Port of Spain (1983), Nassau (1984), Georgetown (1986) and St. Lucia (1987); the Commonwealth Law Ministers Meetings at Lagos (1975), Barbados (1980), Sri Lanka (1983) and Harare (1986); and the Commonwealth Law Conference, Hong Kong (1983).

Member of the Board of Governors of the University of Guyana (1963-1965). Member of the Council of Legal Education of the Commonwealth Caribbean (1973-1987). Member of the Commonwealth Association of Legislative Counsel.

Cacique's Crown of Honour (CCH) (1970); Order of Roraima (OR) (1980); Order of Excellence (OE) (1988).

Author of various books and articles.

Judge Andrés AGUILAR MAWDSLEY

(Member of the Court since 6 February 1991)

Born at Caracas, Venezuela, on 10 July 1924.

Doctorate in Political and Social Science *summa cum laude* from the Central University of Venezuela (Caracas). Master's degree in Civil Law from McGill University, Montreal, Canada.

Lecturer in Civil Law at the Central University of Venezuela (Caracas) (from 1948) and at the Andrés Bello Catholic University (from 1954).

Professor of Law at both universities (since 1958). Dean of the Faculty of Law at the Central University of Venezuela (Caracas) until first appointment as Minister of Justice in May 1958. Vice-Rector of the Andrés Bello Catholic University (Caracas) (1962-1963). Member of the Council of the Faculty of Law at the Central University of Venezuela (Caracas) (1967-1969).

Minister of Justice (1958-1962). Elected Magistrate of the Court of Cassation by the Venezuelan Congress on 7 February 1959. Did not take up this appointment in view of prior appointment as Minister of Justice by the President of the Republic. Legal counsel to and judicial representative of Petróleos de Venezuela, S.A., the national oil company of Venezuela (1975-1983). Member of the Advisory Committee on Foreign Policy, by appointment of the President of the Republic (1979-1984; 1984-1989). Chairman of the committee set up to co-ordinate studies and activities relating to the optimum use of international water resources of interest to Venezuela (1983-1986).

Legal Counsel to the Venezuelan Chamber of Construction (1951-1958). Secretary of the Governing Council of the Bar Association of the Federal District (Caracas) (1955-1956). In February 1958, elected member of the Board of Directors of the Industrial Bank of Venezuela for the biennium 1958-1959; retained this office until first appointment as Minister of Justice. Vice-President of the Organization for the Protection of Children (1962-1963). Chairman of the National Board of Directors of Caritas, Venezuela (1966-1969). Member of the governing council of the Institute for Advanced Administrative Studies (IESA) (since 1966). Delegate of the Andrés Bello Catholic University to the Second Latin American Conference on Political and Social Sciences and Vice-Chairman of this meeting, Santiago and Viña del Mar, Chile (1966). Member of the Venezuelan Justice and Peace Commission (1967). Member of the Technical Board of the Federation of Institutions for the Protection of Children (since 1968). President of the National Committee of the International Council on Social Welfare (1968). Head of the Venezuelan delegation to the Fourteenth Conference on Social Welfare, Helsinki (Finland) (1968), and Chairman of Working Group IV set up to study social policy and the right to education and culture.

Ambassador, Permanent Representative of Venezuela to the United Nations Office and the specialized agencies with headquarters at Geneva (1963-1965). President of the International Labour Conference (Geneva, 1964). President of the Inter-Governmental Committee for European Migration (ICEM) (Geneva, 1964 and 1965). Ambassador, Permanent Representative of Venezuela to the United Nations (1969-1972 and 1986-1991). Head of the Venezuelan delegation (in the absence of the Minister for Foreign Affairs) to the United Nations General Assembly (1969-1971, 1986-1990). Chairman of the First Committee (Political and Security Questions) of the United Nations General Assembly (1970). As representative of Venezuela, served as one of the Vice-Presidents of the United Nations General Assembly (1971). Member of the Permanent Court of Arbitration (since 1970). Representative of Venezuela to the

United Nations Commission on Human Rights (1968-1972) and Chairman of the Commission (1971). Ambassador Extraordinary and Plenipotentiary of Venezuela to the United States of America (1972-1974). Member of the Inter-American Commission on Human Rights (IACHR) (1972-1985) and its President for several periods (1974-1976, 1976-1978, 1979, 1985). Head of the delegation of Venezuela to the Third United Nations Conference on the Law of the Sea and Chairman of the Second Committee of that Conference (1973-1982). Member of the International Commission of Jurists (since 1979) and President of the Commission (since 1986). Co-chairman of the committee appointed by the United Nations Secretary-General on the question of United States diplomats taken hostage in Iran (1980). Member of the Human Rights Committee established under the International Covenant on Civil and Political Rights (1981-1988). Special Representative of the United Nations Commission on Human Rights to study the human rights situation in Iran (1984-1985). Principal representative of Venezuela to the United Nations Security Council (1986-1987); President of the Council (1987). Chairman of the Credentials Committee of the United Nations General Assembly (1986). President of the United Nations Economic and Social Council (1988). Member of the Board of Trustees of the United Nations Institute for Training and Research (UNITAR) (1987-1988 and 1989-1990), and Chairman of the Board (1989-1990). Ambassador, Permanent Representative of Venezuela to the United Nations (1986-1991).

Member of the Governing Council (and Chairman) of the Venezuelan United Nations Association (1967-1968). Member of the Executive Board of the American Society of International Law (1983-1986). President of the Board of Directors of the Eduardo Frei International Foundation for Democracy and Development (1984-1986). Fellow of the Academy of Political and Social Sciences of Venezuela (since 1978) and President of its governing board (1985-1986). Associate member of the Hispano-Luso-American Institute of International Law. Member of the Institute of International Law.

Order of the Liberator, Grand Sash. Order of Andrés Bello, First Class. Order of Francisco de Miranda, First Class. Cross of the Armed Forces for Co-operation, First Class. Knight Commander of the Order of Saint Gregory the Great (Holy See). Grand Cross of the Order of May (Argentine Republic). Order of José María Vargas (Central University of Venezuela), First Class.

Author of numerous books and articles.

Judge Christopher Gregory WEERAMANTRY

(Member of the Court since 6 February 1991)

Born in Colombo, Sri Lanka, on 17 November 1926.

B.A.; LL.B.; LL.D. (University of London); LL.D. *(honoris causa)* (University of Colombo).

Advocate, Supreme Court of Sri Lanka (1948-1965). Lecturer and Examiner, Council of Legal Education, Sri Lanka (1951-1956). Commissioner of Assize, Supreme Court of Sri Lanka (1965-1967). Justice of the Supreme Court of Sri Lanka (1967-1972). Member, Council of Legal Education, Sri Lanka (1967-1972). Honorary Visiting Professor, University of Colombo (since 1984). Honorary Life Member, Bar Association of Sri Lanka.

Sir Hayden Starke Professor of Law, Monash University, Melbourne, Australia (1972-1991). Chairman, Nauru Commission of Inquiry (1987-1988).

Panellist, Unesco Seminar on Teaching of Human Rights, Canberra (1980); Member, United Nations University Task Force on Human Rights (1982); Vice-Chairman, United Nations Centre against *Apartheid*/ Government of Nigeria Conference on Legal Status of *Apartheid* Régime, Lagos (1984); Panellist, SCOPE/ENUWAR/UNU (Scientists' Committee on Problems of the Environment/Environmental Consequences of Nuclear War/United Nations University), International Conference on Nuclear Danger, Tokyo (1985); Lecturer, United Nations Human Rights Commission Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Palais des Nations, Geneva (1988); Editor, United Nations University/United Nations Human Rights Commission's two-volume study on Science, Technology and Human Rights (1988-1990); Co-ordinator, United Nations University/Netherlands Institute of Human Rights Workshop on Science, Technology and Human Rights, Utrecht (1989).

Visiting Professorships and Academic Appointments: University of Tokyo (1978); University of Stellenbosch (1979); University of Papua New Guinea (1981); University of Florida (1984); Lafayette College, Pennsylvania (1985); University of Hong Kong (1989).

Member, Editorial Board: *Sri Lankan Journal of International Law; Human Rights Quarterly*, Johns Hopkins University; *Interdisciplinary Peace Research*, La Trobe University; *Journal of Ceylon Law*.

Associate Academician, International Academy of Comparative Law, Paris; Panel of Arbitrators, American Arbitration Association; Vice-President, International Association of Lawyers against Nuclear Arms; Vice-President, International Commission of Jurists, Victoria; Past President, World Federation of Overseas Sri Lankan Organizations; Vice-Patron, United Nations Association of Sri Lanka; Member, Club of Rome (Australia); American Society of International Law; Commonwealth Lawyers Association; Society of Public Teachers of Law; World Association of Law Professors; Lawasia; World Association on the Philosophy of Law and Legal Philosophy.

Books: *The Law of Contracts, being a Comparative Study of the Roman-Dutch, English and Customary Laws of Contract in Ceylon* (2 vols.), 1965; *The Law in Crisis: Bridges of Understanding*, 1975; *Equality and Freedom: Some Third World Perspectives*, 1976; *Human Rights in Japan*, 1979; *Apartheid: The Closing Phases?*, 1980; *An Invitation to the Law*, 1980; *The*

Slumbering Sentinels: Law and Human Rights in the Wake of Technology, 1983; *Law: The Threatened Peripheries*, 1984; *Nuclear Weapons and Scientific Responsibility*, 1987 (translated into Japanese); *Islamic Jurisprudence: Some International Perspectives*, 1988; *Human Rights and Scientific and Technological Development*, ed., 1990.

Reports: *Report of the Nauru Commission of Inquiry* (10 vols.), 1988 (joint author).

Articles in law journals in Asia, Africa, Australasia, Europe and North America.

Published lectures include: "Fundamental Perspectives on Equality and Freedom", World Congress on Equality and Freedom, St. Louis, Missouri (1976), an official event marking the American Bicentennial; "National and Transnational Systems as Denigrators of Human Rights", Unesco Seminar on Teaching of Human Rights, Canberra (1981); "The Right to Development", Lawasia Seminar on Establishment of a Regional Human Rights Framework for the Pacific, Suva (1985); "Cultural and Ideological Pluralism in Contemporary Public International Law", World Congress of International Academy of Comparative Law, Sydney and Melbourne (1986); "Traffic in Armaments: A Blind Spot in Human Rights and International Law", Joint Soviet/US International Conference on Nuclear Weapons and International Law, New York (1987); "Emerging Dimensions of Sovereignty in International Law", International Seminar on the Coming Global Civilization, Moscow (1988); "The Teaching of Human Rights", United Nations Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Geneva (1988); "The Law, Nuclear Weapons and the Real World", First World Convention of Lawyers against Nuclear Arms, The Hague (1989); "International Arbitration under the UNCITRAL Rules", Regional Seminar on International Arbitration, Kuala Lumpur (1989); "Judicial Reasoning under the Common Law", Commonwealth Law Conference, Auckland (1990).

Order of *Deshamanya* (Sri Lanka).

Judge Raymond RANJEVA

(Member of the Court since 6 February 1991)

Born at Antananarivo, Madagascar, on 31 August 1942.

Bachelor's degree in law (1965), University of Madagascar, Antananarivo. *Diplôme* from the Madagascar National School of Administration (1966). Trainee in the Judicial Division of the Conseil d'Etat, Paris (1965-1966). *Diplôme* d'études supérieures de sciences politiques, University of Paris, Faculty of Law and Economic Science (1966). *Diplôme* d'études supérieures de droit public, University of Madagascar (1967). Doctorate of Law, University of Paris II (thesis: "La succession d'organisations internationales en Afrique"). *Agrégé* of the Faculties of Law and Economics, Public Law and Political Science section, Paris (1972).

Laureate of the University of Madagascar. Laureate of the National Association of Doctors of Law. Laureate of the Madagascar National School of Administration.

Civil Administrator (1966). Assistant (1966-1972), Lecturer (1972) and Professor (1981-1991) at the University of Madagascar. Professor at the Madagascar Military Academy and at the Madagascar National School of Administration. Director of the Public Law and Political Science Study Centre. Director of the Legal and Political Science Department of the University of Madagascar. Dean of the Faculty of Law, Economics, Management and Social Sciences (1982-1986); reappointed in 1986. First Rector of the University of Antananarivo (1988-1990). Associate or visiting lecturer at several universities abroad: University of Aix-Marseille III, Bordeaux I, Paris I (Panthéon-Sorbonne), Paris II (Panthéon-Assas) and the Institute of Advanced International Studies, La Réunion and Burundi. Director of the French-speaking research seminar at the Hague Academy of International Law (1987). Member of the Board of *Agrégation*, Examiners of the African and Malagasy Council on Higher Education, Ouagadougou.

Conciliator at the World Bank International Centre for Settlement of Investment Disputes since 1970. Member of Malagasy delegations to several international conferences: Third United Nations Conference on the Law of the Sea; Preparatory Commission for the International Seabed Authority and the Law of the Sea Tribunal; United Nations General Assembly (1979-1990); Non-Aligned Countries (1979); Conference of States which use French (1987); Head of the Malagasy delegation to the United Nations Conference on Succession of States in respect of Treaties, Vienna (1976-1977); Member of the Malagasy delegation responsible for negotiating the revision of the co-operation agreements with France (1973); First Vice-Chairman of the First African Seminar on International Humanitarian Law, Yaoundé (1977). Vice-President for Africa of the International Conference of French-Speaking Faculties of Law and Political Science (1987-1991).

Counsel to the Republic of Mali in the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*. Consultant for Madagascar on the amicable settlement of the transfer to the State of the activities of Eau-Electricité de Madagascar and Electricité de France (1973).

Member and Vice-President of the Malagasy Academy (1974); President of the ethics and political science section (1975-1991). Managing Director of JURECO: legal, economic and financial databank – research and advisory bodies (1986-1990). Editor of the periodical *Lettre mensuelle de Jureco* (1986-1988). Member of the French Society of International Law. Member of the Quebec Society of International Law.

Member of the National Constitutional Committee (1975). Founding Member of the Malagasy Human Rights Committee (1971). Legal adviser to the Catholic Bishops Conference, Madagascar. Secretary-General of the Malagasy Legal Studies Society.

Commandeur of the National Order of Madagascar. Chevalier of the

Madagascar Order of Merit. Officer of the National Order of Mali. Six Honours.

Author of numerous books, essays and articles and has given lectures at a number of seminars.

II. MEMBER OF THE COURT MAINTAINED IN A PARTICULAR CASE AFTER THE EXPIRY OF HIS TERM OF OFFICE

Judge José SETTE-CAMARA

(Member of the Court since 6 February 1979; Vice-President 1982-1985; continued to sit after 5 February 1988 as President of the Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*)

Born in Alfenas, State of Minas Gerais, Brazil, on 14 April 1920.

LL.B., Law School of the University of Minas Gerais.

Master in Civil Law, McGill University, Montreal, Canada.

Member of the Brazilian Society of International Law. Member of the Institute of International Law.

Entered the Brazilian diplomatic service in 1945. Permanent Representative in Geneva (1960-1961). Ambassador to Canada (1961). Ambassador to Switzerland (1963-1964). Permanent Representative to the United Nations (1964-1968). Ambassador to Czechoslovakia (1972-1979).

Head of the Brazilian delegation to the nineteenth, twentieth and twenty-first sessions of the General Assembly. Representative in the Security Council (1964 and 1967-1969). Delegate to the Sixth Committee of the General Assembly (1970-1978).

Elected Member of the International Law Commission to complete Gilberto Amado's mandate (1970). Elected Member of the International Law Commission by the General Assembly for the periods 1971-1976 and 1977-1982. General Rapporteur, Vice-Chairman and Chairman of the International Law Commission.

President of the United Nations Conference on the Representation of States in their Relations with International Organizations, Vienna (1975). Head of the Brazilian delegation to the United Nations Conference on Succession of States in Respect of Treaties.

Author of various publications on international law and international problems, including: *The Ratification of International Treaties*, 1949; "A Doutrina Larreta", *Boletim da Sociedade Brasileira de Direito Internacional*, 1946; "Hans Kelsen e os Fundamentos do Direito Internacional", *Boletim da Sociedade Brasileira de Direito Internacional*, 1947; "United Nations and International Law Making: the Vienna Convention on the Representation of States in Their Relations with International Organizations", *UN Law/Fundamental Rights*, edited by Antonio Cassese, 1979. "Pollution of International Rivers" in the *Recueil des cours* of the Academy of International Law, The Hague, 1984; "The International Law Commission: Discourse on Method", *International Law at the Time of Its Codification. Essays in Honour of Roberto Ago*, Milan, 1987; "A conclusão de Tratados Internacionais e o Direito Constitucional Brasileiro", *Boletim da Sociedade Brasileira de Direito Internacional*, 1990.

III. JUDGES *AD HOC*

Judge *ad hoc* Nicolas VALTICOS

(Judge *ad hoc* in the case, referred to a Chamber, concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*)

Born on 8 April 1918 (Greek nationality).

Studied law at the Faculty of Law of the University of Paris. First degree in law (1939). Ph.D. in law (doctorat d'Etat, mention très bien) (1948). Faculty prize and Dupin senior prize awarded by the Paris Faculty of Law for doctoral thesis (1948-1949).

Barrister at Law in Athens, 1941.

Chief of Section at the Commission administering relief in Greece (under the auspices of the International Committee of the Red Cross) (1942-1945).

Joined the International Labour Office in 1949. In 1955 appointed Chief of the Application of Conference Decisions Division. In 1964 appointed Chief of the International Labour Standards Department. From 1976 to 1981 Assistant Director-General, Adviser for International Labour Standards.

Member and Chairman of various international arbitral tribunals and commissions of enquiry.

Judge *ad hoc* in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

Associate Professor at the Faculty of Law of the University of Geneva (1972-1981).

Member of the Institute of International Law, Secretary-General since 1981. Member of the Permanent Court of Arbitration.

Doctor *honoris causa* of the Universities of Utrecht (Netherlands), Leuven (Belgium), Athens (Greece) and Neuchâtel (Switzerland).

Member of the Academy of Athens.

Award of the Professorship Henri Rolin of international law (Belgium) for 1979-1980.

Honorary Member of the American Society of International Law. Member of the Société française pour le droit international, of the International Law Association and of the Greek Society of International Law. Member of the Council of the International Institute of Human Rights.

Has given many lectures, in particular at the Hague Academy of

International Law (twice), at the International Institute of Human Rights (Strasbourg), at the International Seminar for Diplomats (Salzburg, Austria), at the Institute of High International Studies (Paris), at the Graduate Institute of High International Studies (Geneva), and at various universities and societies in Belgium, France, Greece, Italy, Japan, Poland, Romania, Switzerland, the United Arab Emirates, the United States.

Has published over 120 studies, articles and books on questions of international law, human rights, civil law and labour law.

Judge *ad hoc* Paul Henning FISCHER

(Judge *ad hoc* in the case concerning *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark* v. *Norway)* and in the case concerning *Passage through the Great Belt (Finland* v. *Denmark)*)

Born on 24 March 1919.

Bachelor of Laws (1943), Doctor of Laws, University of Copenhagen (1957).

Assistant Professor of Public International Law, University of Copenhagen (1948-1952).

Attaché of the Danish Legation, Stockholm (1944); Secretary and Head of Section, Ministry of Foreign Affairs, Copenhagen (1946); Secretary of Legation, The Hague (1952); Head of Section, subsequently Head of Division and Deputy Under-Secretary, Ministry of Foreign Affairs (1955); Ambassador to Warsaw, in addition accredited to Bucharest and Sofia (1960); Permanent Under-Secretary of State for Foreign Affairs (1961); Ambassador to Paris (1971); Ambassador to Bonn (1980-1989); Treasurer of the Order of Dannebrog; Chamberlain at the Royal Danish Court.

Alternate Representative, Danish delegation to the fourteenth session of the General Assembly of the United Nations (1959); Alternate Representative, Danish delegation to the fifteenth session of the General Assembly of the United Nations (1960).

Conciliator under the Vienna Convention on the Law of Treaties (1981); Member of the Permanent Court of Arbitration (1982).

Publications: "European Coal and Steel Community, International Law Studies on International Co-operation" and several publications on legal and international subjects.

Decorations: Grand Cross of the Order of Dannebrog and several foreign Grand Crosses.

Judge *ad hoc* Santiago TORRES BERNÁRDEZ

(Judge *ad hoc* in the case, referred to a Chamber, concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*)

Born in Vigo (Spain) on 18 November 1929.

Awarded the *Gran Cruz del Mérito Civil* (1987).

Licenciado (1952) and Doctor of Law (1959) of the University of Valladolid (Spain). *Diplomé d'études supérieures européennes* (1955) and Doctor of Law (1957) of the University of Saar (Federal Republic of Germany). Member of the Bar of Madrid. Adviser in questions relating to the peaceful settlement of international disputes.

Member of the Permanent Court of Arbitration. Member of the Institute of International Law.

Former Registrar of the International Court of Justice (1980-1986). Former Deputy Director of the Codification Division at the Office of Legal Affairs of the United Nations Organization and Deputy Secretary of the International Law Commission, as well as of diplomatic plenipotentiary conferences on codification and progressive development of international law.

Professor of the Instituto Universitario Ortega y Gasset (Madrid). Former Director of Studies at the Centre for Studies and Research of the Hague Academy of International Law.

Member of the Société française pour le droit international, the International Law Association, the American Society of International Law and the Instituto Hispano-Luso-Americano de Derecho Internacional. Honorary Member of the Asociación española de profesores de derecho internacional y relaciones internacionales.

Author of numerous publications in the field of international law, including on the International Court of Justice and its procedures.

Judge *ad hoc* Hubert THIERRY

(Judge *ad hoc* in the case conerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*)

Born in Paris, 7 June 1925.

Studies in Law and Letters at the Faculty of Law of Paris and the Sorbonne. *Agrégé de droit public* (1954).

Professor at the Faculty of Law of the Universities of Grenoble (1954-1958) and Caen (1962-1969). Professor at the Université de Paris X — Nanterre (since 1969); Vice-President of that University (1973-1978). Visiting Professor at the Graduate Institute of International Studies, Geneva (1984, 1985 and 1986) and at the University of Geneva (1989-1990).

First Secretary of the conference of trainee lawyers attached to the Conseil d'Etat and the Cour de Cassation (1952). President of the French Section of Amnesty International (1971-1976).

Member of the French delegation to the General Assembly of the United Nations (1955, 1956, 1957 and 1961). Officer on mission with the President of the National Assembly (1973-1978). Deputy Director of UNIDIR (United Nations Institute for Disarmament Research) (1981-1986).

Chevalier de la Légion d'honneur, Officier des Palmes académiques.

In charge of the general course at the Hague Academy of International Law (1990). Author of *Les armes atomiques et la politique internationale*, 1970, and *Droit international*, in collaboration with Professors J. Combacau, S. Sur and C. Vallée, 5th ed., 1986, and of many articles on international law and politics.

Judge *ad hoc* Kéba MBAYE

(Judge *ad hoc* in the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*)

Born at Kaolack, Senegal, on 5 August 1924.

Holder of the diploma of advanced studies in private law (Paris); holder of the certificate of the Ecole nationale de la France d'outre-mer (Magistrature Department).

Acting Deputy-Judge (1954-1958); Deputy to the Procureur de la République, St. Louis, Senegal (1958-1960).

Member of the Supreme Court of Senegal (1960) and its First President (1964-1982). Honorary First President of the Supreme Court.

Lectured at the Faculty of Law of the University of Dakar and at the Ecole nationale d'administration of Senegal (1967-1978).

Former Chairman of the Commission on the Codification of the Law of Civil and Commercial Liabilities.

Doctor *honoris causa* of the Universities of Lille II and of Savoie (France) and Bhopal (India).

Has been a member of various United Nations bodies and has in particular participated as member and chairman in the work of the Commission on Human Rights, the Commission responsible for seeking the settlement of any dispute between States Parties to the Convention against Discrimination in Education, the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and of the *Ad Hoc* Working Group of Experts to investigate violations of human rights in southern Africa; member of the ILO Committee of Experts.

Corresponding Member of the Académie royale des sciences d'outremer de Belgique; Member of the International Academy of Comparative Law and of the Institute of International Law; Member of the International Law Association.

Former President and Member of the International Committee on Comparative Law, of the International African Law Association, of the International Committee for Information and Documentation in the Social Sciences; Member of the Governing Board of the European Foundation for Human Rights; Member of the International Institute of Procedural Law; Vice-President of the International Institute of Humanitarian Law; Member of the Administrative Council of the International Penal Law Association, of the International Criminology Association and of the Société de législation comparée; Vice-Chairman of the Executive

Committee of the International Institute of Human Rights (René Cassin Foundation); former Chairman of the International Commission of Jurists; Honorary President of the World Federation of United Nations Associations; President of the International Academy of Human Rights; Member of the Société française pour le droit international.

Was President of the Legal Sub-Commission of the OAU Commission of mediation in the border dispute between Upper Volta and Mali and a Member of the Permanent Court of Arbitration; was General Rapporteur at the OAU Conference which adopted the African Charter on Human and Peoples' Rights, and a member of the Arbitration Tribunal in the delimitation of the maritime boundary between Guinea and Guinea-Bissau (1983-1985).

Member of the International Court of Justice from 6 February 1982 to 5 February 1991; Vice-President of the Court from 1987 to 1991.

Author of numerous publications concerning the law of Senegal, the law of black Africa, human rights in general, and in particular the right to development. Has given a course on Interest to Act before the International Court of Justice at the Hague Academy of International Law (1988).

Judge *ad hoc* Mohsen AGHAHOSSEINI

(Judge *ad hoc* in the case concerning the *Aerial Incident of 3 July 1991 (Islamic Republic of Iran* v. *United States of America)*)

Born in Tehran, Islamic Republic of Iran, on 10 October 1945.

Studied at the Faculty of Law, University of Tehran (LL.B., 1967); University of London (Postgraduate Diploma in Law, 1971, and LL.M., 1973); University of Oxford (B.Litt., 1978); and Gray's Inn, London (1972-1973).

Legal Adviser for International Claims, Ministry of Industries (1979). Legal Adviser and Head of the Legal Department, Industrial Development and Renovation Organization of Iran (1979-1982). Lecturer, Faculties of Law, Letters, and Divinity, Tehran University (1980-1982). Legal Consultant to the Central Bank of the Islamic Republic of Iran (1981). Head of Delegation, Ministry of Industries, to Vienna Conciliation held under the Algerian Declarations (1982). Legal Adviser for Foreign Claims, the Shipping Lines Organization of the Islamic Republic of Iran (1981-1982). Legal Adviser to Iran's Bureau for the Coordination and Implementation of the Algerian Declarations (1982). Legal Assistant, Iran-United States Claims Tribunal (1982-1984). *Ad hoc* Arbitrator, Iran-United States Claims Tribunal (1984). Arbitrator in certain cases before the International Chamber of Commerce (1985 and 1991). Deputy in Charge of Legal Affairs, the Hague Branch of the Bureau of International Legal Services of the Islamic Republic of Iran (1984-1986); and subsequently its Director (1986-1990). Member of the Iran-United States Claims Tribunal (since 1990).

Has written a number of research papers and articles on various legal issues.

Judge *ad hoc* Georges Michel ABI-SAAB

(Judge *ad hoc* in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*)

Born at Heliopolis, Cairo, Egypt, on 9 June 1933.

Licencié en droit of the University of Cairo (1954). Postgraduate studies in Law, Economics and Politics at the Universities of Cairo (D.E.S. in Private Law and in Public Law), Paris, Michigan (M.A. Econ.), Harvard (LL.M., S.J.D.), Cambridge and Geneva (Doctor of Political Science). Diploma of the Hague Academy of International Law.

Member of the Institute of International Law.

Professor of International Law at the Graduate Institute of International Studies, Geneva (since 1969) (having taught there since 1963).

Member of the Egyptian delegation to the Conference of Government Experts (1972) and the Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law Applicable in Case of Armed Conflict (1974-1977).

Counsel and Advocate of the Tunisian Government in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* before the International Court of Justice; and of the Egyptian Government in the arbitration on the *Frontier Dispute (Taba) (Egypt/Israel)*.

Judge *ad hoc* in the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*, before a Chamber of the International Court of Justice.

Author of numerous books and articles, including *Les exceptions préliminaires dans la procédure de la Cour internationale, Etude des notions fondamentales de procédure et des moyens de leur mise en œuvre*, Paris, Pedone, 1967; *International Crises and the Role of Law: The United Nations Operation in the Congo 1960-1964*, Oxford University Press, 1978; *The Concept of International Organization* (as editor), Paris, Unesco, 1981 (French edition, 1980); and two courses at the Hague Academy of International Law: "Wars of National Liberation in the Geneva Conventions and Protocols" (*Recueil des cours*, Vol. 165 (1979-IV), and the General Course in 1987.

Judge *ad hoc* Bengt Henry Gabriel Arne BROMS

(Judge *ad hoc* in the case concerning *Passage through the Great Belt (Finland* v. *Denmark)*)

Born in Sortavala, Finland, on 16 October 1929.

University of Helsinki, LL.B. (1951), LL.M. (1951), M.Pol.Sci. (1954), LL.D. (1959); University of Michigan, LL.M. (1953); Cambridge University, Diploma in International Law (1957). Qualified Judge in Finland (1957).

Professor of Constitutional and International Law, and Vice-Dean and Dean of the Law Faculty, University of Turku (1962-1970); Professor of International and Constitutional Law and Vice-Dean of the Law Faculty, University of Helsinki (since 1970).

Member of the High Court of Impeachment of the State of Finland (since 1985); Member of the International Court of Arbitration set up by the International Chamber of Commerce in Paris (since 1985); Member of the Permanent Court of Arbitration in The Hague (since 1986); Judge and Chairman of Chamber I at the Iran-United States Claims Tribunal in The Hague (since 1988). Nominated by the Government of Finland to the International Centre for the Settlement of Investment Disputes (ICSID) panels of arbitrators and mediators since Finland joined the ICSID Convention.

Member of the delegation of Finland to the General Assembly of the United Nations (1967, 1972-1979, 1981-1988). Vice-Chairman of the Sixth Committee of the General Assembly (1974). Chairman of the delegation of Finland to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (1975-1989), Chairman of the Committee (1975-1979, 1983, 1988), Vice-Chairman (1981-1982, 1984-1987). Member of the Special Committee on the Question of Defining Aggression (1968, 1972-1974), Chairman (1974), Vice-Chairman (1972-1973).

Representative of the State of Finland in the Aaland Island Delegation (1982-1987). Member of the Aaland Islands Committee to draft a new constitution for the Aaland Islands (1981-1987). Member of the Committee to Review the Constitution of Finland, nominated by the Cabinet of Finland (1983-1984).

Associate Member of the Institut de droit international (1973-1979), Member since 1979; Member of the Academy of Sciences of Finland (since 1980), Member of the Board of the Academy of Sciences (1983-1989); Honorary Member (Academician) of the Hungarian Academy of Sciences (1988); Member of the World Association of Professors in International Relations (WAIR) (1985); Member of the Academia Europeae (1989). President of the Finnish Branch of the International Law Association (since 1980); Member of the Executive Council of the International Law Association (London) (since 1980); Chairman of the Board of the Institute for Developing States of the University of Helsinki (1982-1987). Member of the delegation of Carelia to develop economic and cultural life in Eastern Finland (since 1971). Director of the Institute of International Law at the University of Helsinki (since 1970). Chairman of the Board to arrange the Session of the Institut de droit international in Helsinki in 1985; Chairman of the Board of the First, Second, Third and Fourth Summer Seminars in Public International Law at the University of Helsinki (1987-1988; 1990-1991).

Invited by the Universities of Turku, Tampere, Rovaniemi, Uppsala, Stockholm and Bergen to give opinions on the applicants for Chairs in International Law and Political Science.

Principal publications: Books: *The Doctrine of Equality of States as Applied in International Organizations*, Dissertation, 1959; *The Legal Status of the Suez Canal*, 1961; *The Foreign Affairs Committee of the Parliament of Finland* (in Finnish), 1961; *Eduskunnan ulkoasiainvaliokunta. Vertaileva valtiosääntöoikeudellinin tutkimus*, 1967; *Itävallan pysyvän puolueettomuuden kehitys ja jäsenyys Yhdistyneissä Kansakunnissa*, 1968; *Yhdistyneet Kansakunnat*, 1968, 2nd ed., 1976; *The Definition of Aggression in the United Nations* (1968); *Kansainvälinen oikeus*, 1978; *The United Nations* (1990). Articles: "The Definition of Aggression", in 154 *Recueil des cours* (1977-I), pp. 299-400; and a large number of articles in Finnish, Swedish, English and French on international and constitutional law.

President Urho Kekkonen's Prize (1975).

Several medals during the war of 1941-1945; Commander of the Finnish Order of the Lion (1980).

CHAPTER III

JURISDICTION OF THE COURT

I. JURISDICTION IN CONTENTIOUS CASES

It is the function of the International Court of Justice to decide in accordance with international law such disputes as are submitted to it (Statute, Art. 38, para. 1). Its jurisdiction in this respect is defined in Article 93 of the Charter of the United Nations and in Articles 34-37 of the Statute of the Court.

1. States Entitled to Appear before the Court

Article 34, paragraph 1, of the Statute provides that: "Only States may be parties in cases before the Court." Private persons are therefore not entitled to institute proceedings before the Court.

A State entitled to appear before the Court may fall into one of three categories:

(a) *States Members of the United Nations*

Article 35, paragraph 1, of the Statute provides that the Court shall be open to the States parties to the Statute, and Article 93, paragraph 1, of the Charter of the United Nations provides that all Members of the United Nations are *ipso facto* parties to the Statute.

On 31 July 1991 the following 159 States were Members of the United Nations:

State	*Date of Admission*
Afghanistan	19 November 1946
Albania	14 December 1955
Algeria	8 October 1962
Angola	1 December 1976
Antigua and Barbuda	11 November 1981
Argentina	Original Member
Australia	" "
Austria	14 December 1955
Bahamas	18 September 1973
Bahrain	21 September 1971
Bangladesh	17 September 1974
Barbados	9 December 1966
Belgium	Original Member
Belize	25 September 1981
Benin	20 September 1960
Bhutan	21 September 1971
Bolivia	Original Member

State	*Date of Admission*
Botswana	17 October 1966
Brazil	Original Member
Brunei Darussalam	21 September 1984
Bulgaria	14 December 1955
Burkina Faso	20 September 1960
Burundi	18 September 1962
Byelorussian Soviet Socialist Republic	Original Member
Cambodia	14 December 1955
Cameroon	20 September 1960
Canada	Original Member
Cape Verde	16 September 1975
Central African Republic	20 September 1960
Chad	,, ,,
Chile	Original Member
China	,, ,,
Colombia	,, ,,
Comoros	12 November 1975
Congo	20 September 1960
Costa Rica	Original Member
Côte d'Ivoire	20 September 1960
Cuba	Original Member
Cyprus	20 September 1960
Czechoslovakia	Original Member
Denmark	Original Member
Djibouti	20 September 1977
Dominica	18 December 1978
Dominican Republic	Original Member
Ecuador	,, ,,
Egypt	,, ,,
El Salvador	,, ,,
Equatorial Guinea	12 November 1968
Ethiopia	Original Member
Fiji	13 October 1970
Finland	14 December 1955
France	Original Member
Gabon	20 September 1960
Gambia	21 September 1965
Germany	18 September 1973[1]

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[1] By letter of 27 September 1990, the Secretary-General was informed by the Prime Minister of the German Democratic Republic "that the People's Chamber of the German Democratic Republic has declared the accession, as at 3 October 1990, of the German Democratic Republic to the scope of the Basic Law of the Federal Republic of Germany . . . so as to unite Germany in a single State". In a letter dated 3 October 1990, the Federal Minister for Foreign Affairs of the Federal Republic of Germany informed the Secretary-General "that, through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State . . . As from the date of the unification, the Federal Republic of Germany will act in the United Nations under the designation 'Germany'."

State	*Date of Admission*
Ghana	8 March 1957
Greece	Original Member
Grenada	17 September 1974
Guatemala	Original Member
Guinea	12 December 1958
Guinea-Bissau	17 September 1974
Guyana	20 September 1966
Haiti	Original Member
Honduras	" "
Hungary	14 December 1955
Iceland	19 November 1946
India	Original Member
Indonesia	28 September 1950
Iran (Islamic Republic of)	Original Member
Iraq	" "
Ireland	14 December 1955
Israel	11 May 1949
Italy	14 December 1955
Jamaica	18 September 1962
Japan	18 December 1956
Jordan	14 December 1955
Kenya	16 December 1963
Kuwait	14 May 1963
Lao People's Democratic Republic	14 December 1955
Lebanon	Original Member
Lesotho	17 October 1966
Liberia	Original Member
Libyan Arab Jamahiriya	14 December 1955
Liechtenstein	18 September 1990
Luxembourg	Original Member
Madagascar	20 September 1960
Malawi	1 December 1964
Malaysia	17 September 1957
Maldives	21 September 1965
Mali	28 September 1960
Malta	1 December 1964
Mauritania	27 October 1961
Mauritius	24 April 1968
Mexico	Original Member
Mongolia	27 October 1961
Morocco	12 November 1956
Mozambique	16 September 1975
Myanmar	19 April 1948
Namibia	23 April 1990
Nepal	14 December 1955
Netherlands	Original Member

State	*Date of Admission*
New Zealand	Original Member
Nicaragua	,, ,,
Niger	20 September 1960
Nigeria	7 October 1960
Norway	Original Member
Oman	7 October 1971
Pakistan	30 September 1947
Panama	Original Member
Papua New Guinea	10 October 1975
Paraguay	Original Member
Peru	,, ,,
Philippines	,, ,,
Poland	,, ,,
Portugal	14 December 1955
Qatar	21 September 1971
Romania	14 December 1955
Rwanda	18 September 1962
St. Kitts and Nevis	23 September 1983
St. Lucia	18 September 1979
St. Vincent and the Grenadines	16 September 1980
Samoa	15 December 1976
Sao Tome and Principe	16 September 1975
Saudi Arabia	Original Member
Senegal	28 September 1960
Seychelles	21 September 1976
Sierra Leone	27 September 1961
Singapore	21 September 1965
Solomon Islands	19 September 1978
Somalia	20 September 1960
South Africa	Original Member
Spain	14 December 1955
Sri Lanka	,, ,,
Sudan	12 November 1956
Suriname	4 December 1975
Swaziland	24 September 1968
Sweden	19 November 1946
Syrian Arab Republic	Original Member
Thailand	16 December 1946
Togo	20 September 1960
Trinidad and Tobago	18 September 1962
Tunisia	12 November 1956
Turkey	Original Member
Uganda	25 October 1962
Ukrainian Soviet Socialist Republic	Original Member
Union of Soviet Socialist Republics	,, ,,
United Arab Emirates	9 December 1971

State	*Date of Admission*
United Kingdom of Great Britain and Northern Ireland	Original Member
United Republic of Tanzania	14 December 1961[1] 16 December 1963[2]
United States of America	Original Member
Uruguay	" "
Vanuatu	15 September 1981
Venezuela	Original Member
Viet Nam	20 September 1977
Yemen	30 September 1947[3]
Yugoslavia	Original Member
Zaire	20 September 1960
Zambia	1 December 1964
Zimbabwe	25 August 1980

(b) *States, not members of the United Nations, parties to the Statute*[4]

Article 93, paragraph 2, of the Charter of the United Nations provides that States which are not members of the United Nations may become parties to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

The conditions laid down have hitherto been the same in each case. They were laid down for the first time as a result of a request by the Swiss Federal Council; on that occasion the General Assembly, on 11 December 1946, adopted resolution 91 (I) which prescribed the following conditions:

> "*(a)* Acceptance of the provisions of the Statute of the International Court of Justice;
>
> *(b)* Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;
>
> *(c)* An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government."[5]

The date on which the State concerned becomes a party to the Statute is that of the deposit with the Secretary-General of the United Nations of the instrument of acceptance of the conditions.

Pursuant to Article 4, paragraph 3, of the Statute, the conditions on which such a State may participate in the election of Members of the Court were laid down in resolution 264 (III) adopted by the General Assembly, upon the recommendation of the Security Council, on 8 October 1948. The operative part of this resolution lays down that:

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[1] Tanganyika.

[2] Zanzibar.

[3] Yemen was a Member of the United Nations from 30 September 1947 and Democratic Yemen was a Member from 14 December 1967. By a letter to the Secretary-General of the United Nations, dated 19 May 1990, the two States announced their decision to "merge in a single sovereign State called the Republic of Yemen" on 22 May 1990.

[4] The full text of the resolutions referred to in this section is given on pages 175-183 of *I.C.J. Acts and Documents No. 5.*

[5] See below, Chap. VIII, p. 217.

> "1. Such a State shall be on an equal footing with the Members of the United Nations in respect to those provisions of the Statute which regulate the nominations of candidates for election by the General Assembly.
>
> 2. Such a State shall participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations.
>
> 3. Such a State, when in arrears in the payment of its contribution to the expenses of the Court, shall not participate in electing the members of the Court in the General Assembly if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a State to participate in the elections if it is satisfied that the failure to pay is due to conditions beyond the control of that State (see Charter, Article 19)."

The participation of such States in the procedure for amending the Statute of the Court (Charter, Art. 108; Statute, Art. 69) is governed by the following provisions of resolution 2520 (XXIV) adopted by the General Assembly, upon the recommendation of the Security Council, on 4 December 1969:

> "*(a)* A State which is a party to the Statute of the International Court of Justice, but is not a Member of the United Nations, may participate in the General Assembly in regard to amendments to the Statute in the same manner as the Members of the United Nations;
>
> *(b)* Amendments to the Statute of the International Court of Justice shall come into force for all States which are parties to the Statute when they have been adopted by a vote of two-thirds of the States which are parties to the Statute and ratified in accordance with their respective constitutional processes by two-thirds of the States which are parties to the Statute and in accordance with the provisions of Article 69 of the Statute and Article 108 of the Charter of the United Nations."

The following States not members of the United Nations are at present parties to the Statute[1]:

State	*Resolution of the General Assembly*	*Deposit of the instrument of acceptance*
Nauru	42/21, 18 November 1987	29 January 1988
San Marino	806 (VIII), 9 December 1953	18 February 1954
Switzerland	91 (I), 11 December 1946	28 July 1948

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[1] Before becoming Members of the United Nations, Liechtenstein and Japan were parties to the Statute of the Court, as from 29 March 1950 and 2 April 1954 respectively.

(c) *States, not parties to the Statute, to which the Court may be open*

The Court, which is open to States parties to the Statute, is also open to other States, in accordance with Article 35, paragraph 2, of the Statute[1]. This Article provides that the conditions upon which the Court shall be open to such States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

On 15 October 1946, the Security Council adopted resolution 9 (1946) which reads as follows:

> "The Security Council
>
> In virtue of the powers conferred upon it by Article 35, paragraph 2, of the Statute of the International Court of Justice and subject to the provisions of that Article,
>
> Resolves that:
>
> 1. The International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice, upon the following condition, namely, that such State shall previously have deposited with the Registrar of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Charter of the United Nations and with the terms and subject to the conditions of the Statute and Rules of the Court, and undertakes to comply in good faith with the decision or decisions of the Court and to accept all the obligations of a Member of the United Nations under Article 94 of the Charter;
>
> 2. Such declaration may be either particular or general. A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen. A general declaration is one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which have already arisen or which may arise in the future. A State, in making such a general declaration, may, in accordance with Article 36, paragraph 2, of the Statute, recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Court, provided, however, that such acceptance may not, without explicit agreement, be relied upon vis-à-vis States parties to the Statute which have made the declaration in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice;
>
> 3. The original declarations made under the terms of this resolution shall be kept in the custody of the Registrar of the Court, in accordance with the practice of the Court. Certified true copies thereof shall be transmitted, in accordance with the practice of the Court, to all States parties to the Statute of the International Court of Justice, and to such other States as shall have deposited a declaration under the terms of this resolution, and to the Secretary-General of the United Nations;

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[1] See also Rules, Art. 26, para. 1 *(c)*, and Art. 41, and below, Chap. VIII, p. 217.

> 4. The Security Council reserves the right to rescind or amend this resolution by a resolution which shall be communicated to the Court, and on the receipt of such communication and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the Court;
>
> 5. All questions as to the validity or the effect of a declaration made under the terms of this resolution shall be decided by the Court."

In the past, particular declarations have been filed by Albania (1947) and by Italy (1953), and general declarations by Cambodia (1952), Ceylon (1952), the Federal Republic of Germany (1955, 1956, 1961, 1965 and 1971), Finland (1953 and 1954), Italy (1955), Japan (1951), Laos (1952), and the Republic of Viet Nam (1952).

2. *Basis of the Court's Jurisdiction*

The jurisdiction of the Court in contentious proceedings is based on the consent of the States to which it is open[1]. The form in which this consent is expressed determines the manner in which a case may be brought before the Court.

(a) *Special agreement*

Article 36, paragraph 1, of the Statute provides that the jurisdiction of the Court comprises all cases which the parties refer to it. Such cases normally come before the Court by notification to the Registry of an agreement known as a *special agreement* and concluded by the parties specially for this purpose[2]. The subject of the dispute and the parties must be indicated (Statute, Art. 40, para. 1; Rules, Art. 39).

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[1] In the following eight cases, the Court found that it could take no further steps upon an Application in which it was admitted that the opposing party did not accept its jurisdiction: *Treatment in Hungary of Aircraft and Crew of United States of America (United States of America* v. *Hungary) (United States of America* v. *USSR)*; *Aerial Incident of 10 March 1953 (United States of America* v. *Czechoslovakia)*; *Antarctica (United Kingdom* v. *Argentina) (United Kingdom* v. *Chile)*; *Aerial Incident of 7 October 1952 (United States of America* v. *USSR)*; *Aerial Incident of 4 September 1954 (United States of America* v. *USSR)*; *Aerial Incident of 7 November 1954 (United States of America* v. *USSR)*.

[2] The following eleven cases were submitted to the Court by means of special agreements: *Asylum (Colombia/Peru)*; *Minquiers and Ecrehos (France/United Kingdom)*; *Sovereignty over Certain Frontier Land (Belgium/Netherlands)*; *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)*; *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*; *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* (case referred to a Chamber); *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; *Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* (case referred to a Chamber); *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*. In the *Corfu Channel (United Kingdom* v. *Albania)* case the Parties made a special agreement after delivery of the Judgment on the Preliminary Objection. The case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras* v. *Nicaragua)* was submitted by means of an application, but the Parties had previously concluded an agreement on the procedure to be followed in submitting the dispute to the Court.

(b) *Cases provided for in treaties and conventions*

Article 36, paragraph 1, of the Statute provides also that the jurisdiction of the Court comprises all matters specially provided for in treaties and conventions in force. In such cases a matter is normally brought before the Court by means of a written *application instituting proceedings*; this is a unilateral document which must indicate the subject of the dispute and the parties (Statute, Art. 40, para. 1) and, as far as possible, specify the provision on which the applicant founds the jurisdiction of the Court (Rules, Art. 38).

A list of treaties and conventions governing the jurisdiction of the International Court of Justice in contentious cases is given in Chapter IV (Sec. III) of the present *Yearbook* (pp. 107-124). Furthermore, some of the agreements and conventions mentioned in Section I of Chapter IV (pp. 63-68) relate, in particular, to the jurisdiction of the Court in contentious proceedings.

To these instruments must be added other treaties and conventions concluded earlier and conferring jurisdiction upon the *Permanent Court of International Justice*, for Article 37 of the Statute of the International Court of Justice stipulates that whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the *Permanent Court of International Justice*, the matter shall, as between the parties to the Statute, be referred to the International Court of Justice. The *Permanent Court* reproduced, in 1932, in its *Collection of Texts governing the Jurisdiction of the Court* (*P.C.I.J., Series D, No. 6*, fourth edition) and subsequently in Chapter X of its *Annual Reports* (*P.C.I.J., Series E, Nos. 8-16*) the relevant provisions of the instruments governing its jurisdiction. By virtue of the Article referred to above, some of these provisions now govern the jurisdiction of the International Court of Justice.

(c) *Compulsory jurisdiction in legal disputes*

The Statute provides that a State may recognize as compulsory, in relation to any other State accepting the same obligation, the jurisdiction of the Court in legal disputes. These cases are brought before the Court by means of written applications. The conditions on which such compulsory jurisdiction may be recognized are stated in paragraphs 2-5 of Article 36 of the Statute, which read as follows:

> "2. The States parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
>
> *(a)* the interpretation of a treaty;
> *(b)* any question of international law;

(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;

(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms."

Texts of declarations accepting the compulsory jurisdiction of the Court are given in Section II of Chapter IV below (pp. 69-107).

(d) *The Court itself decides any question as to its jurisdiction*

Article 36, paragraph 6, of the Statute provides that in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court. Article 79 of the Rules lays down the conditions which govern the filing of preliminary objections[1].

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[1] Preliminary objections were raised in the following 21 contentious cases: *Corfu Channel* (*United Kingdom* v. *Albania*); *Rights of Nationals of the United States of America in Morocco* (*France* v. *United States of America*); *Ambatielos* (*Greece* v. *United Kingdom*); *Anglo-Iranian Oil Co.* (*United Kingdom* v. *Iran*); *Nottebohm* (*Liechtenstein* v. *Guatemala*); *Monetary Gold Removed from Rome in 1943* (*Italy* v. *France, United Kingdom and United States of America*); *Certain Norwegian Loans* (*France* v. *Norway*); *Right of Passage over Indian Territory* (*Portugal* v. *India*); *Interhandel* (*Switzerland* v. *United States of America*); *Aerial Incident of 27 July 1955* (*Israel* v. *Bulgaria*) (*United States of America* v. *Bulgaria*); *Barcelona Traction, Light and Power Company, Limited* (*Belgium* v. *Spain*); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient* (*France* v. *Lebanon*); *Temple of Preah Vihear* (*Cambodia* v. *Thailand*); *South West Africa* (*Ethiopia* v. *South Africa; Liberia* v. *South Africa*); *Northern Cameroons* (*Cameroon* v. *United Kingdom*); *Barcelona Traction, Light and Power Company, Limited* (*New Application: 1962*) (*Belgium* v. *Spain*); *Elettronica Sicula S.p.A.* (*ELSI*) (*United States of America* v. *Italy*); *Aerial Incident of 3 July 1988* (*Islamic Republic of Iran* v. *United States of America*); *Certain Phosphate Lands in Nauru* (*Nauru* v. *Australia*). Questions of jurisdiction or admissibility have also been raised in the following ten contentious cases: *Appeal Relating to the Jurisdiction of the ICAO Council* (*India* v. *Pakistan*); *Fisheries Jurisdiction* (*United Kingdom* v. *Iceland; Federal Republic of Germany* v. *Iceland*); *Nuclear Tests* (*Australia* v. *France; New Zealand* v. *France*); *Trial of Pakistani Prisoners of War* (*Pakistan* v. *India*); *Aegean Sea Continental Shelf* (*Greece* v. *Turkey*); *United States Diplomatic and Consular Staff in Tehran* (*United States of America* v. *Iran*); *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*); *Border and Transborder Armed Actions* (*Nicaragua* v. *Honduras*).

(e) *Interpretation of a judgment*

Article 60 of the Statute provides that in the event of dispute as to the meaning or scope of a judgment, the Court shall construe it upon the request of any party. The request for interpretation may be made either by means of a special agreement between the parties or of an application by one or more of the parties (Rules, Art. 98)[1].

(f) *Revision of a judgment*

An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such party's ignorance was not due to negligence (Statute, Art. 61, para. 1). A request for revision is made by means of an application (Rules, Art. 99)[2].

II. ADVISORY JURISDICTION

The advisory jurisdiction of the Court is governed by Article 65 of the Statute and Article 96 of the Charter of the United Nations.

By virtue of Article 65 of the Statute, the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request. An exact statement of the questions upon which the advisory opinion is asked must be contained in a *request for an advisory opinion*.

Article 96, paragraph 1, of the Charter provides that advisory opinions may be asked of the Court by the General Assembly or the Security Council on any legal question. Paragraph 2 of this Article adds:

> "Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

The following organs and agencies are at present authorized to request advisory opinions[3]:

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[1] An application for interpretation of the Judgment was made by Colombia in respect of the *Asylum (Colombia/Peru)* case. Cf. note 2, below.

[2] An application for revision and interpretation of the Judgment was filed by Tunisia in respect of the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

[3] The International Refugee Organization, which had been authorized to request advisory opinions of the Court, ceased to exist in 1952. The Havana Charter for an International Trade Organization, which provides for the jurisdiction of the Court in proceedings in regard to advisory opinions, has not entered into force.

United Nations:

General Assembly[1],
Security Council[2],
Economic and Social Council[3],
Trusteeship Council,
Interim Committee of the General Assembly,
Committee on Applications for Review of Administrative Tribunal Judgements[4];

International Labour Organisation;
Food and Agriculture Organization of the United Nations;
United Nations Educational, Scientific and Cultural Organization[5];
World Health Organization[6];
International Bank for Reconstruction and Development;
International Finance Corporation;
International Development Association;
International Monetary Fund;
International Civil Aviation Organization;
International Telecommunication Union;
International Fund for Agricultural Development;
World Meteorological Organization;

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[1] The General Assembly has requested 13 advisory opinions of the Court in the following 12 cases: *Conditions of Admission of a State to Membership in the United Nations (Article 4 of Charter); Reparation for Injuries Suffered in the Service of the United Nations; Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase;* id., *Second Phase; Competence of the General Assembly for the Admission of a State to the United Nations; International Status of South West Africa; Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide; Effect of Awards of Compensation Made by the United Nations Administrative Tribunal; Voting Procedure on Questions Relating to Reports and Petitions concerning the Territory of South West Africa; Admissibility of Hearings of Petitioners by the Committee on South West Africa; Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter); Western Sahara; Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947.*

[2] The Security Council requested an advisory opinion of the Court concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970).*

[3] The Economic and Social Council requested an advisory opinion of the Court in the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations.*

[4] The Committee on Applications for Review of Administrative Tribunal Judgements requested an advisory opinion in the following three cases: *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal; Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal; Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal.*

[5] The Executive Board of Unesco requested an advisory opinion of the Court concerning *Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco.*

[6] The World Health Assembly requested an advisory opinion of the Court concerning *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt.*

International Maritime Organization[1];
World Intellectual Property Organization;
United Nations Industrial Development Organization;
International Atomic Energy Agency.

In Section I of Chapter IV of the present *Yearbook* (pp. 63-68) will be found references to the instruments by virtue of which such requests may be submitted by the above organs and agencies.

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[1] The Assembly of this organization requested an advisory opinion of the Court concerning the *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization.*

CHAPTER IV

TEXTS GOVERNING THE JURISDICTION OF THE COURT

The present chapter, which is compiled from the information available to the Registry, presents a compendium of instruments now in force governing the jurisdiction of the Court. It takes into account, so far as the Registry is informed of them, any amendments to those instruments which have affected their provisions concerning the jurisdiction of the Court. The inclusion or omission of any instrument should not be regarded as an indication of any view entertained by the Registry, or *a fortiori* by the Court, regarding the nature, scope or validity of the instrument in question.

I. INSTRUMENTS GOVERNING THE RELATIONSHIP OF ORGANS OF THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS WITH THE COURT

This section lists provisions for the contentious or advisory jurisdiction of the Court in the following categories of instruments: constitutional texts of public international organizations; agreements concluded between the United Nations and other international organizations; authorizations accorded by the General Assembly of the United Nations to other organs of the United Nations or to international organizations by virtue of Article 96, paragraph 2, of the Charter; multilateral conventions relating to the privileges and immunities of world-wide international organizations; agreements concluded by international organizations with States.

1. United Nations

Authorization to the *General Assembly* and the *Security Council* to request advisory opinions of the International Court of Justice: Charter, Article 96, paragraph 1.

Authorization to the *Economic and Social Council* to request advisory opinions of the International Court of Justice: resolution 89 (I) of the General Assembly, 11 December 1946.

Authorization to the *Trusteeship Council* to request advisory opinions of the International Court of Justice: resolution 171 (II) of the General Assembly, 14 November 1947, paragraph B.

Authorization to the ***Interim Committee of the General Assembly*** to request advisory opinions of the International Court of Justice: resolution 196 (III) of the General Assembly, 3 December 1948, paragraph 3[1].

Authorization to the ***Committee on Applications for Review of Judgements of the United Nations Administrative Tribunal*** to request advisory opinions of the International Court of Justice: Statute of the United Nations Administrative Tribunal, as amended by resolution 957 (X) of the General Assembly, 8 November 1955, Article 11[2].

Convention on the privileges and immunities of the United Nations, adopted by the General Assembly on 13 February 1946, Article VIII, Section 30 (United Nations, *Treaty Series*, I, No. 4, Vol. 1).

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 26 June 1947, Article VIII, Section 21 (United Nations, *Treaty Series*, I, No. 147, Vol. 11).

Agreement between Chile and the United Nations Economic Commission for Latin America regulating conditions for the operation, in Chile, of the Headquarters of the Commission, 16 February 1953, Article XI, Section 21 (United Nations, *Treaty Series*, I, No. 4541, Vol. 314).

Agreement between the United Nations and Thailand relating to the Headquarters of the Economic Commission for Asia and the Far East in Thailand, 26 May 1954, Article XIII, Section 26 (United Nations, *Treaty Series*, I, No. 3703, Vol. 260).

Agreement between the United Nations and Ethiopia regarding the Headquarters of the United Nations Economic Commission for Africa, 18 June 1958, Article IX (United Nations, *Treaty Series*, I, No. 4597, Vol. 317).

Agreement between the United Nations and Japan regarding the Headquarters of the United Nations University, 14 May 1976, Section 22 (United Nations, *Treaty Series*, I, No. 14839, Vol. 1009).

2. All Specialized Agencies

Convention on the privileges and immunities of the specialized agencies, approved by the General Assembly of the United Nations on 21 November

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[1] The mandate of the Interim Committee was extended indefinitely by resolution 295 (IV) of the General Assembly of 21 November 1949, paragraph 3 of which preserved its authority to request advisory opinions of the Court.

[2] Article not applicable to Judgements concerning the staff of the International Civil Aviation Organization or Inter-Governmental Maritime Consultative Organization (now International Maritime Organization), which have both, however, accepted the jurisdiction of the United Nations Administrative Tribunal.

1947, Article VII, Section 24, and Article IX, Section 32 (United Nations, *Treaty Series*, I, No. 521, Vol. 33).

3. *International Labour Organisation*

Instrument for the amendment of the Constitution of the International Labour Organisation, 9 October 1946, Articles 29, 31-34 and 37 (United Nations, *Treaty Series*, I, No. 229, Vol. 15).

Agreement between the United Nations and the International Labour Organisation, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 9, Vol. 1).

Statute of the Administrative Tribunal of the International Labour Organisation, adopted by the International Labour Conference on 9 October 1946 and modified by the Conference on 29 June 1949, Article XII[1].

4. *Food and Agriculture Organization of the United Nations*

Constitution of the Food and Agriculture Organization of the United Nations, 16 October 1945, as amended in 1957, Article XVII (Food and Agriculture Organization of the United Nations, *Basic Texts*, Vol. I, 1968).

Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 10, Vol. 1).

Terms of appointment of the Director-General of the Food and Agriculture Organization of the United Nations: recommendation by the Conference of the Organization, 27 October 1945, paragraph 3 (Food and Agriculture Organization of the United Nations, *Report of the First Session of the Conference*, 16 October-1 November 1945).

5. *United Nations Educational, Scientific and Cultural Organization*

Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 November 1945, Articles V, paragraph 11 (adopted in

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[1] The jurisdiction of this Tribunal, which is open to officials of the International Labour Organisation or other persons claiming under the terms of appointment of an official, has been recognized also by the following international organizations, which are authorized to request advisory opinions: Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; International Telecommunication Union; World Meteorological Organization; World Intellectual Property Organization; International Atomic Energy Agency.

1952), and XIV, paragraph 2 (United Nations, *Treaty Series*, I, No. 52, Vol. 4)[1].

Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, approved by the General Assembly of the United Nations on 14 December 1946, as revised and approved by the General Assembly of the United Nations on 8 December 1962, Article X[2] (United Nations, *Treaty Series*, II, No. 11, Vol. 1; *ibid.*, General Assembly, resolution 1786 (XVII)).

Agreement between the United Nations Educational, Scientific and Cultural Organization and France regarding the Headquarters of Unesco and the privileges and immunities of the Organization on French territory, 2 July 1954, Article 29 (United Nations, *Treaty Series*, I, No. 5103, Vol. 357).

6. *World Health Organization*

Constitution of the World Health Organization, 22 July 1946, Articles 75-77 (United Nations, *Treaty Series*, I, No. 221, Vol. 14).

Agreement between the United Nations and the World Health Organization, approved by the General Assembly of the United Nations on 15 November 1947, Article X (United Nations, *Treaty Series*, II, No. 115, Vol. 19).

7. *International Bank for Reconstruction and Development, International Finance Corporation and International Development Association*

Agreement between the United Nations and the International Bank for Reconstruction and Development, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 109, Vol. 16).

Agreement on relationship between the United Nations and the International Finance Corporation, approved by the General Assembly of the United Nations on 20 February 1957, paragraph 1 (United Nations, *Treaty Series*, II, No. 546, Vol. 265).

Agreement on relationship between the United Nations and the International Development Association, approved by the General Assembly of the United Nations on 27 March 1961, Article I (United Nations, *Treaty Series*, II, No. 582, Vol. 394).

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[1] See also Rules of Procedure of the General Conference of Unesco, Rule 33, and the Protocol of 10 December 1962 instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education, Article 18 (Unesco document 12C/Resolutions).

[2] Article XI before the revision of 1962.

8. International Monetary Fund

Agreement between the United Nations and the International Monetary Fund, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 108, Vol. 16).

9. International Civil Aviation Organization

Convention on International Civil Aviation, 7 December 1944, Articles 84-86 (United Nations, *Treaty Series*, I, No. 10612, Vol. 740; ICAO, *Convention on International Civil Aviation*, 1969).

Agreement between the United Nations and the International Civil Aviation Organization, approved by the General Assembly of the United Nations on 14 December 1946, Article X (United Nations, *Treaty Series*, II, No. 45, Vol. 8).

Agreement between the International Civil Aviation Organization and Canada regarding the Headquarters of the Organization, 14 April 1951, Article VII, Section 31 (United Nations, *Treaty Series*, I, No. 1335, Vol. 96).

10. International Telecommunication Union

Agreement between the United Nations and the International Telecommunication Union, approved by the General Assembly of the United Nations on 15 November 1947, Article VII (United Nations, *Treaty Series*, II, No. 175, Vol. 30).

11. World Meteorological Organization

Agreement between the United Nations and the World Meteorological Organization, approved by the General Assembly of the United Nations on 20 December 1951, Article VII (United Nations, *Treaty Series*, II, No. 415, Vol. 123).

12. International Maritime Organization

Convention on the Inter-Governmental Maritime Consultative Organization, 6 March 1948, entered into force on 17 March 1958, Articles 55 and 56 (United Nations, *Treaty Series*, I, No. 4214, Vol. 289)[1].

Agreement between the United Nations and the Inter-Governmental Maritime Consultative Organization, approved by the General Assembly of the United Nations on 18 November 1948, entered into force on 13 January 1959, Article IX (United Nations, *Treaty Series*, II, No. 5[illegible], Vol. 324).

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[1] As from 22 May 1982 the Inter-Governmental Maritime Consultative Organization (IMCO) became the International Maritime Organization (IMO); the name of the organization was changed in the title of the 1948 Convention and the relevant Articles of the Convention were re-numbered 69 and 70.

13. World Intellectual Property Organization

Agreement between the United Nations and the World Intellectual Property Organization, approved by the General Assembly of the United Nations on 17 December 1974, Article 12 (United Nations, *Treaty Series*, II, No. 729).

14. International Fund for Agricultural Development

Agreement between the United Nations and the International Fund for Agricultural Development, approved by the General Assembly of the United Nations on 15 December 1977, Article XIII (United Nations, *Treaty Series*, II, No. 806, Vol. 1080).

15. United Nations Industrial Development Organization

Constitution of the United Nations Industrial Development Organization, 8 April 1979, Article 22.

Agreement between the United Nations Organization and the United Nations Industrial Development Organization, approved by the General Assembly of the United Nations on 17 December 1985, Article 12.

16. International Atomic Energy Agency

Statute of the International Atomic Energy Agency, 26 October 1956, Article XVII (United Nations, *Treaty Series*, I, No. 3988, Vol. 276).

Agreement concerning the relationship between the United Nations and the International Atomic Energy Agency, approved by the General Assembly of the United Nations on 14 November 1957, Article X (United Nations, *Treaty Series*, II, No. 548, Vol. 281).

Authorization to the International Atomic Energy Agency to request advisory opinions of the International Court of Justice: resolution 1146 (XII) of the General Assembly of the United Nations, 14 November 1957.

Agreement on the privileges and immunities of the International Atomic Energy Agency, approved by the Board of Governors of the Agency on 1 July 1959, Article X, Section 34 (United Nations, *Treaty Series*, I, No. 5334, Vol. 374).

Agreement between the International Atomic Energy Agency and Iraq, Lebanon, Libya, Tunisia, United Arab Republic, etc., for the establishment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries, approved by the Board of Governors of the Agency on 14 September 1962, Article XVI (United Nations, *Treaty Series*, I, No. 7236, Vol. 494).

Nordic Mutual Emergency Assistance Agreement in connection with radiation accidents, signed on 17 October 1963 by the International Atomic Energy Agency, Denmark, Finland, Norway and Sweden, Article IX (United Nations, *Treaty Series*, I, No. 7585, Vol. 525).

II. DECLARATIONS RECOGNIZING AS COMPULSORY THE JURISDICTION OF THE COURT

The texts of declarations under Article 36, paragraph 2, of the Statute, which had not expired by effluxion of time, or whose withdrawal or replacement had not been notified by 31 July 1991, will be found below. The fact that a declaration is or is not included in this section, is without prejudice to its possible application by the Court in a particular case.

The declarations of Poland and Spain were deposited with the Secretary-General of the United Nations during the 12 months under review, on 25 September and 29 October 1990 respectively, and were the first such declarations made by those States.

In view of the provisions of Article 36, paragraph 5, of the Statute of the International Court of Justice, the present section also contains the texts of declarations made under the Statute of the *Permanent Court of International Justice* which have not lapsed or been withdrawn. There are now seven such declarations.

The declarations, deposited by a total of 53 States[1], are given here in English[2]. Where this is not the original language of the declaration, the translations used, except where otherwise indicated, are by the Secretariat of the United Nations or of the League of Nations.

The date shown after the name of the State is that on which the declaration was deposited.

AUSTRALIA

17 III 75.

Whereas on the first day of November one thousand nine hundred and forty-five Australia ratified the Charter of the United Nations of which the Statute of the International Court of Justice is an integral part; and

Whereas Australia made a declaration under paragraph 2 of Article 36, of the said Statute on the sixth day of February, one thousand nine hundred and fifty-four[3]; and

Whereas Australia desires to withdraw the said declaration;

The Government of Australia hereby withdraws the said declaration and declares for and on behalf of Australia that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to withdraw this declaration.

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[1] Since 1951, eleven other declarations relating to the jurisdiction of the International Court of Justice, either expressly or by virtue of Article 36, paragraph 5, of the Statute, have expired, been withdrawn or been terminated without being subsequently replaced. These were the declarations of the following States: Bolivia, Brazil, China, France, Guatemala, Iran, Israel, South Africa, Thailand, Turkey and the United States (United Nations, *Treaty Series*, I, No. 261, Vol. 16; I, No. 237, Vol. 15; I, No. 5, Vol. 1; I, No. 8196, Vol. 562; I, No. 12, Vol. 1; *I.C.J. Yearbook 1946-1947*, p. 211; *I.C.J. Yearbook 1984-1985*, pp. 79-80; United Nations, *Treaty Series*, I, No. 2935, Vol. 216; I, No. 844, Vol. 65; I, No. 50, Vol. 4; *I.C.J. Yearbook 1984-1985*, pp. 99-100).

[2] French texts of the declarations are given in the French counterpart of the *I.C.J. Yearbook*, the *C.I.J. Annuaire*.

[3] United Nations, *Treaty Series*, I, No. 2484, Vol. 186.

The Government of Australia further declares that this declaration does not apply to any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement.

In witness whereof, I, Edward Gough Whitlam, Prime Minister acting for and on behalf of the Minister of State for Foreign Affairs of Australia, have hereunto set my hand and affixed the seal of the Minister of State for Foreign Affairs.

Dated this thirteenth day of March, one thousand nine hundred and seventy-five.

(Signed) E. G. WHITLAM,
Prime Minister acting for
and on behalf of the Minister
of State for Foreign Affairs
of Australia.

AUSTRIA

19 V 71.

I hereby declare that the Republic of Austria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute in respect of which the parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force for a period of five years and thereafter until it will be terminated or modified by a written declaration.

Done at Vienna on 28 April 1971.

(Signed) JONAS,
The Federal President.

In witness whereof the present declaration has been countersigned by the Federal Chancellor and the Minister for Foreign Affairs and the national seal of the Republic of Austria has been affixed thereto.

(Signed) Bruno KREISKY,
The Federal Chancellor.

(Signed) Rudolf KIRCHSCHLAEGER,
The Federal Minister for Foreign Affairs.

BARBADOS

1 VIII 80.

I have the honour to declare on behalf of the Government of Barbados that:

The Government of Barbados accepts as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court until such time as notice might be given to terminate the acceptance, over all disputes arising after the declaration is made, other than:

(a) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement,

(b) disputes with the government of any other country which is a Member of the Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree,

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Barbados,

(d) disputes arising out of or concerning jurisdiction or rights claimed or exercised by Barbados in respect of the conservation, management or exploitation of the living resources of the sea, or in respect of the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Barbados.

24 July 1980.

(Signed) H. de B. FORDE,
Minister of External Affairs.

BELGIUM[1]

[Translation from the French] 17 VI 58.

I declare on behalf of the Belgian Government that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in legal disputes arising after 13 July 1948 concerning situations or facts subsequent to that date, except those in regard to which the parties have agreed or may agree to have recourse to another method of pacific settlement.

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[1] Belgium had deposited in 1948 a declaration valid for five years (United Nations, *Treaty Series*, I, No. 260, Vol. 16).

This declaration is made subject to ratification[1]. It shall take effect on the day of deposit of the instrument of ratification for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Brussels, 3 April 1958.

(*Signed*) V. LAROCK,
Minister for Foreign Affairs.

BOTSWANA

16 III 70.

I, Sir Seretse Khama, President of the Republic of Botswana, have the honour to declare on behalf of the Government of the Republic of Botswana, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(*a*) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(*b*) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Republic of Botswana.

The Government of the Republic of Botswana also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Done at Gaborone this 14th day of January in the year of our Lord one thousand nine hundred and seventy.

(*Signed*) Seretse M. KHAMA,
President.

CAMBODIA

[Translation from the French] 19 IX 57.

On behalf of the Royal Government of Cambodia I have the honour to declare that, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State Member of the United Nations accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the said Court in all legal disputes, other than:

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[1] The instrument of ratification was deposited on 17 June 1958.

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(2) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Kingdom of Cambodia;
(3) disputes relating to any matter excluded from judicial settlement or compulsory arbitration by virtue of any treaty, convention or other international agreement or instrument to which the Kingdom of Cambodia is a party.

This declaration is valid for ten years from the date of its deposit. It shall remain in force thereafter until notice to the contrary has been given by the Royal Government of Cambodia.

Phnom-Penh, 9 September 1957.

(Signed) SIM VAR.

CANADA

10 IX 85.

On behalf of the Government of Canada,

(1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 7 April 1970[1] in conformity with paragraph 2 of Article 36 of the Statute of that Court.
(2) I declare that the Government of Canada accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after the present declaration with regard to situations or facts subsequent to this declaration, other than:
    (a) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement;
    (b) disputes with the Government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

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[1] *I.C.J. Yearbook 1984-1985*, pp. 71-72.

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada.

(3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification may be communicated to the governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

New York, 10 September 1985.

(Signed) Stephen LEWIS,
Ambassador and
Permanent Representative.

COLOMBIA[1]

[Translation from the French] 30 X 37.

The Republic of Colombia recognizes as compulsory, *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the Permanent Court of International Justice, in accordance with Article 36 of the Statute.

The present declaration applies only to disputes arising out of facts subsequent to 6 January 1932.

Geneva, 30 October 1937.

(Signed) J. M. YEPES,
Legal Adviser of the Permanent Delegation
of Colombia to the League of Nations.

COSTA RICA

[Translation from the Spanish] 20 II 73.

The Government of Costa Rica recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes of the kinds referred to in Article 36, paragraph 2, of the Statute of the International Court of Justice. This Declaration shall be valid for a period of five years and shall be understood to be tacitly renewed for like periods, unless denounced before the expiration of the said period.

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[1] An instrument of ratification was deposited on 30 October 1937. Ratification was not required under the terms of the Optional Clause, the act of signature itself sufficing to make the undertaking binding, except where the declaration has been made expressly subject to ratification. Nevertheless, certain States, which had signed without any such reservation, subsequently ratified their declarations.

San José, 5 February 1973.

(Signed) Gonzalo J. FACIO,
Minister for Foreign Affairs.

CYPRUS

29 IV 88.

I have the honour on behalf of the Government of the Republic of Cyprus to declare, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Republic of Cyprus accepts as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the Court, in relation to any other State accepting the same obligation, over all legal disputes concerning:

(a) the interpretation of any treaty –

  I. to which the Republic of Cyprus became a Party on or after 16 August 1960 or
  II. which the Republic of Cyprus recognizes as binding on it by succession;

(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

Provided that this declaration shall not apply:

(a) to disputes relating to questions which fall within the domestic jurisdiction of the Republic of Cyprus;
(b) where the declaration recognizing the compulsory jurisdiction of the International Court of Justice on behalf of any other Party to the dispute was deposited with the Secretary-General of the United Nations less than six months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Cyprus reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw this declaration or any of the foregoing reservations or any that may hereafter be added.

Nicosia, 19 April 1988.

(Signed) George IACOVOU,
Minister of Foreign Affairs.

DENMARK[1]

[Translation from the French] 10 XII 56.

In conformity with the Royal Decree of 3 December 1956, I have the honour, on behalf of the Danish Government, to make the following declaration:

Pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, for a period of five years from 10 December 1956 and thereafter for further periods of five years, if this declaration is not denounced by notice of not less than six months before the expiration of any five-year period.

New York, 10 December 1956.

(Signed) Karl I. ESKELUND,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the United Nations.

DOMINICAN REPUBLIC

[Translation from the French] 30 IX 24.

On behalf of the Government of the Dominican Republic and subject to ratification[2], I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

Geneva, 30 September 1924.

(Signed) Jacinto R. DE CASTRO.

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[1] This declaration replaced that of 10 December 1946, which had been made for a period of ten years as from that date (United Nations, *Treaty Series*, I, No. 10, Vol. 1).

[2] The instrument of ratification was deposited on 4 February 1933.

EGYPT

22 VII 57.

I, Mahmoud Fawzi, Minister for Foreign Affairs of the Republic of Egypt, declare on behalf of the Government of the Republic of Egypt, that, in accordance with Article 36 (2) of the Statute of the International Court of Justice and in pursuance and for the purposes of paragraph 9 *(b)* of the Declaration of the Government of the Republic of Egypt dated 24 April 1957, on "the Suez Canal and the arrangements for its operation"[1], the Government of the Republic of Egypt accept as compulsory *ipso facto*, on condition of reciprocity and without special agreement, the jurisdiction of the International Court of Justice in all legal disputes that may arise under the said paragraph 9 *(b)* of the above Declaration dated 24 April 1957, with effect as from that date.

18 July 1957.

(Signed) Mahmoud FAWZI.

EL SALVADOR[2]

[Translation from the Spanish] 26 XI 73.

In my capacity as Minister for Foreign Affairs and on behalf of the Government of the Republic of El Salvador,

Considering that Article 36, paragraph 5, of the Statute of the International Court of Justice provides that a declaration made under Article 36 of the Statute of the Permanent Court of International Justice makes the jurisdiction of the International Court of Justice compulsory in accordance with the terms of the original declaration,

Considering that the Government of El Salvador, in accordance with the Agreement of the Executive Authority of 26 May 1930, ratified by the Legislative Authority in accordance with Decree No. 110 of 3 July 1930, made a declaration recognizing the compulsory jurisdiction of the Permanent Court of International Justice, with the reservations set forth in the same document and on the basis of the Political Constitution of the Republic which, at the time, was that promulgated on 24 August 1886,

Considering that, after the notification of that declaration, other Political Constitutions of the Republic have been promulgated, the latest being that currently in effect as from 24 January 1962, and that moreover, after that declaration, the United Nations Charter was adopted on 26 June 1945 and the Charter of the Organization of American States on 30 April 1948, revised by the Protocol of Buenos Aires in 1967,

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[1] United Nations, *Treaty Series*, I, No. 3821, Vol. 265.

[2] By a letter addressed to the Secretary-General of the United Nations on 24 November 1978 by the Permanent Representative of El Salvador this declaration, with all the exceptions and reservations it contains, was renewed for a period of ten years as from 26 November 1978.

Considering that, consequently, the terms of the declaration must be adapted to accord with those postulated in the Political Constitution currently in effect, and with the present circumstances; bearing in mind, furthermore, the texts of similar declarations made by other States Members of the United Nations,

I therefore make the following declaration:

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, El Salvador recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) The interpretation of a treaty;
(b) Any question of international law;
(c) The existence of any fact which, if established, would constitute a breach of an international obligation;
(d) The nature or extent of the reparation to be made for the breach of an international obligation.

This declaration shall apply solely to situations or facts that may arise after this date; it is made on condition of reciprocity in relation to any other State party to any dispute with El Salvador and is subject to the following exceptions, on which El Salvador does not accept the Court's compulsory jurisdiction:

(i) disputes which the parties have agreed or may agree to submit to other means of peaceful settlement;
(ii) disputes which, under international law, fall exclusively within the domestic jurisdiction of El Salvador;
(iii) disputes with El Salvador concerning or relating to:
    (1) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
    (2) the territorial sea and the corresponding continental slope or continental shelf and the resources thereof, unless El Salvador accepts the jurisdiction in that particular case;
    (3) the condition of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it or are under a system of joint ownership, whether or not recognized by rulings of international tribunals;
    (4) the airspace superjacent to its land and maritime territory;

(iv) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which El Salvador is, has been or may at some time be involved;

(v) pre-existing disputes, it being understood that this includes any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter; and

(vi) disputes that may arise over the interpretation or implementation of a multilateral treaty unless (1) all the parties to the treaty are also parties in the case before the Court, or (2) El Salvador expressly accepts the Court's jurisdiction in that particular case.

This declaration revokes and replaces the previous declaration made before the Permanent Court of International Justice[1] and will remain in effect for a period of five years from this date. The above shall not prejudice the right which El Salvador reserves to be able at any time to modify, add to, clarify or derogate from the exceptions presented in it.

This declaration is made in compliance with Executive Agreement No. 826 of 24 November 1973, ratified by the Legislative Authority under Decree No. 488 of 26 November 1973.

I respectfully request you to be good enough to take the appropriate action with this declaration and to have it registered immediately in accordance with the practice established on the basis of the United Nations Charter.

San Salvador, 26 November 1973.

(Signed) Mauricio A. BORGONOVO POHL,
Minister for Foreign Affairs.

FINLAND

[Translation from the French] 25 VI 58.

On behalf of the Finnish Government, I hereby declare that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, for a period of five years from 25 June 1958. This declaration shall be renewed by tacit agreement for further periods of the same duration, unless it is denounced not later than six months before the expiry of any such period.

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[1] *I.C.J. Yearbook 1972-1973*, p. 59.

This declaration shall apply only to disputes arising in regard to situations or facts subsequent to 25 June 1958.

New York, 25 June 1958.

(Signed) G. A. GRIPENBERG,
Permanent Representative of Finland
to the United Nations.

GAMBIA

22 VI 66.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare, on behalf of the Government of the Gambia, that the Gambia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice until such time as notice may be given to terminate the acceptance, over all disputes arising in the future concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

with the reservation, however, that this declaration does not apply to

(a) disputes in regard to which the parties have agreed to a settlement other than by recourse to the International Court of Justice;
(b) disputes with any country in the Commonwealth;
(c) disputes which, by international law, fall exclusively within the jurisdiction of the Gambia.

Bathurst, 14 June 1966.

(Signed) A. B. N'JIE,
Minister of State for External Affairs.

GUINEA-BISSAU

[Translation from the French] 7 VIII 89.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Republic of Guinea-Bissau accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in Article 36, paragraph 2, of the Statute thereof.

This declaration will remain in force until six months following the date on which the Government of Guinea-Bissau makes known its intention of terminating it.

New York, 7 August 1989.

(Signed) Raul A. DE MELO CABRAL,
Chargé d'affaires a.i.

HAITI

[Translation from the French] 4 X 21.

On behalf of the Republic of Haiti, I recognize the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,
Consul.

HONDURAS

[Translation from the Spanish] 6 VI 86.

The Government of the Republic of Honduras, duly authorized by the National Congress under Decree No. 75-86 of 21 May 1986 to modify the Declaration made on 20 February 1960 concerning Article 36, paragraph 2, of the Statute of the International Court of Justice, *hereby declares* that it modifies the Declaration made by it on 20 February 1960[1] as follows:

1. It recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:
   (a) the interpretation of a treaty;
   (b) any question of international law;
   (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
   (d) the nature or extent of the reparation to be made for the breach of an international obligation.
2. This Declaration shall not apply, however, to the following disputes to which the Republic of Honduras may be a party:
   (a) disputes in respect of which the parties have agreed or may agree to resort to other means for the pacific settlement of disputes;
   (b) disputes concerning matters subject to the domestic jurisdiction of the Republic of Honduras under international law;
   (c) disputes relating to facts or situations originating in armed

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[1] *I.C.J. Yearbook 1984-1985*, pp. 78-79.

conflicts or acts of a similar nature which may affect the territory of the Republic of Honduras, and in which it may find itself involved directly or indirectly;

(d) disputes referring to:

  (i) territorial questions with regard to sovereignty over islands, shoals and keys; internal waters, bays, the territorial sea and the legal status and limits thereof;
  (ii) all rights of sovereignty or jurisdiction concerning the legal status and limits of the contiguous zone, the exclusive economic zone and the continental shelf;
  (iii) the airspace over the territories, waters and zones referred to in this subparagraph.

3. The Government of Honduras also reserves the right at any time to supplement, modify or withdraw this Declaration or the reservations contained therein by giving notice to the Secretary-General of the United Nations.

4. This Declaration replaces the Declaration made by the Government of Honduras on 20 February 1960.

National Palace, Tegucigalpa, D.C., 22 May 1986.

(Signed) José AZCONA H.,
President of the Republic.

(Signed) Carlos LÓPEZ CONTRERAS,
The Secretary of State for Foreign Affairs.

INDIA

18 IX 74.

I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
(2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;
(3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;
(4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence,

resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;

(5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;

(6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of the League of Nations, unless the Government of India specially agree to jurisdiction in each case;

(7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;

(8) disputes with the government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognized by the Government of India;

(9) disputes with non-sovereign States or territories;

(10) disputes with India concerning or relating to:

  (*a*) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
  (*b*) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;
  (*c*) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;
  (*d*) the airspace superjacent to its land and maritime territory; and
  (*e*) the determination and delimitation of its maritime boundaries.

(11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

2. This declaration revokes and replaces the previous declaration made by the Government of India on 14 September 1959[1].

New Delhi, 15 September 1974.

(*Signed*) Swaran SINGH,
Minister for External Affairs.

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[1] United Nations, *Treaty Series*, I, No. 4871, Vol. 340.

JAPAN

15 IX 58.

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan, that in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes which arise on and after the date of the present declaration with regard to situations or facts subsequent to the same date and which are not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

New York, 15 September 1958.

(Signed) Koto MATSUDAIRA,
Permanent Representative of Japan
to the United Nations.

KENYA

19 IV 65.

I have the honour to declare, on behalf of the Government of the Republic of Kenya that it accepts, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction over all disputes arising after 12 December 1963 with regard to situations or facts subsequent to that date, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
(2) dispute with the government of any State which, on the date of this Declaration is a Member of the Commonwealth of Nations or may so become subsequently;
(3) disputes with regard to questions which by general rules of international law fall exclusively within the jurisdiction of Kenya;
(4) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of the Republic of Kenya have accepted obligations.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations to add to, amend, or withdraw any of the foregoing reservations. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Nairobi, 12 April 1965.

(Signed) Joseph MURUMBI,
Minister for External Affairs.

LIBERIA

20 III 52.

On behalf of the Government of the Republic of Liberia, I, Gabriel L. Dennis, Secretary of State of Liberia, subject to ratification, declare that the Republic of Liberia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State, also a party to the Statute pursuant to Article 93 of the United Nations Charter, which accepts the same obligation (i.e., subject to reciprocity), the jurisdiction of the International Court of Justice in all legal disputes arising after ratification concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration does not apply:

(a) to any dispute which the Republic of Liberia considers essentially within its domestic jurisdiction;
(b) to any dispute in regard to which the parties have agreed or may agree to bring before other tribunals as a result of agreements already existing or which may be made in the future.

The present declaration has been made for a period of five years as from the date of deposit of the ratification[1] and thereafter until notice of termination is given.

Done at Monrovia this 3rd day of March 1952.

(Signed) Gabriel L. DENNIS,
Secretary of State.

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[1] The instrument of ratification, dated 30 March 1953, was deposited on 17 April 1953.

LIECHTENSTEIN

[Translation from the French] 29 III 50.

The Government of the Principality of Liechtenstein, duly authorized by His Serene Highness, the Reigning Prince François Joseph II, in accordance with the Order of the Diet of the Principality of Liechtenstein dated 9 March 1950, which came into force on 10 March 1950,

declares by these presents that the Principality of Liechtenstein recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Principality becomes a party to the Statute[1] and shall have effect as long as the declaration has not been revoked subject to one year's notice.

Done at Vaduz, 10 March 1950.

On behalf of the Government of
the Principality of Liechtenstein,
(Signed) A. FRICK,
The Head of Government.

LUXEMBOURG[2]

[Translation from the French] 15 IX 30.

The Government of the Grand-Duchy of Luxembourg recognizes as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present declaration is made for a period of five years. Unless it is denounced six months before the expiration of that period, it shall be considered as renewed for a further period of five years and similarly thereafter.

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[1] Liechtenstein became a party to the Statute of the Court on 29 March 1950.

[2] The Government of Luxembourg had in 1921 signed the Optional Clause subject to ratification. That declaration was, however, never ratified.

Geneva, 15 September 1930.

(Signed) BECH.

MALAWI

12 XII 66.

On behalf of the Government of Malawi, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes which may arise in respect of facts or situations subsequent to this declaration concerning –

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation:

Provided that this declaration shall not apply to –

(i) disputes with regard to matters which are essentially within the domestic jurisdiction of the Republic of Malawi as determined by the Government of Malawi;
(ii) disputes in regard to which the parties of the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; or
(iii) disputes concerning any question relating to or arising out of belligerent or military occupation.

The Government of Malawi also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend, or withdraw any of the foregoing reservations or any that may hereafter be added. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Given under my hand in Zomba this 22nd day of November 1966.

(Signed) H. KAMUZU BANDA,
President and
Minister for External Affairs.

MALTA[1]

6 XII 66.

I have the honour to declare, on behalf of the Government of Malta, that Malta accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes with the government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations;

(v) disputes arising under a multilateral treaty, unless (1) all Parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;

(vi) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Malta is a Party;

(vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

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[1] By letter of 13 May 1983 to the Secretary-General of the United Nations, the Minister for Foreign Affairs notified the withdrawal, with immediate effect, of a declaration concerning a particular category of disputes which was filed on 23 January 1981 and which is reproduced in *I.C.J. Yearbook 1981-1982*, p. 78.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Valletta, 29 November 1966.

(Signed) G. FELICE,
Acting Minister of Commonwealth
and Foreign Affairs.

2 IX 83.

I have the honour to refer to the declaration made by the Government of Malta on 29 November 1966, and notified on 6 December 1966, concerning the compulsory jurisdiction of the International Court of Justice and to give notice that, with effect from the moment this notification is received by Your Excellency, the acceptance of the Government of Malta of the jurisdiction of the Court shall be limited to all disputes with Malta other than

(1) the disputes mentioned in paragraphs (i) to (viii) both inclusive, of the said declaration, and

(2) the following categories of disputes, that is to say:

Disputes with Malta concerning or relating to:

(a) its territory, including the territorial sea, and the status thereof,

(b) the continental shelf or any other zone of maritime jurisdiction, and the resources thereof,

(c) the determination or delimitation of any of the above,

(d) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

(Signed) Alex SCEBERAS TRIGON,
Minister for Foreign Affairs.

MAURITIUS

23 IX 68.

I have the honour to declare, on behalf of the Government of Mauritius, that Mauritius accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(ii) disputes with the Government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Mauritius;
(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Mauritius has accepted obligations;
(v) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Mauritius is a party;
(vi) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and
(vii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Mauritius also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Port Louis, 4 September 1968.

(Signed) S. RAMGOOLAM,
Prime Minister
and Minister for External Affairs.

MEXICO

[Translation from the Spanish] 28 X 47.

In regard to any legal dispute that may in future arise between the United States of Mexico and any other State out of events subsequent to the date of this Declaration, the Mexican Government recognizes as compulsory *ipso facto*, and without any special agreement being required therefor, the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the said Court, in relation to any other

State accepting the same obligation, that is, on condition of strict reciprocity. This Declaration, which does not apply to disputes arising from matters that, in the opinion of the Mexican Government, are within the domestic jurisdiction of the United States of Mexico, shall be binding for a period of five years as from 1 March 1947 and after that date shall continue in force until six months after the Mexican Government gives notice of denunciation.

Mexico, D.F., 23 October 1947.

(Signed) Jaime TORRES BODET,
Secretary of State for External Relations.

NAURU

29 I 88.

On behalf of the Government of the Republic of Nauru I declare that it accepts as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, and stipulate that the acceptance of the Court's jurisdiction shall extend to all disputes to which the Republic is or may be a party, other than any dispute with respect to which there exists a dispute settlement mechanism under an agreement between the Republic of Nauru and another State.

I further declare that the present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations.

In witness whereof under my hand and the Common Seal of the Republic of Nauru, *dated* this thirtieth day of the month of December, one thousand nine hundred and eighty-seven.

(Signed) Hammer DEROBURT,
President
and Minister for External Affairs,
Republic of Nauru.

NETHERLANDS

[Translation from the French] 1 VIII 56.

I hereby declare that the Government of the Kingdom of the Netherlands recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from 6 August 1956, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of said Court in all disputes arising or which may arise after 5 August 1921, with the exception of disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, may have agreed to have recourse to some other method of pacific settlement.

The aforesaid obligation is accepted for a period of five years and will be renewed by tacit agreement for additional periods of five years, unless notice is given, not less than six months before the expiry of any such period, that the Government of the Kingdom of the Netherlands does not wish to renew it.

The acceptance of the jurisdiction of the Court founded on the declaration of 5 August 1946[1] is terminated with effect from 6 August 1956.

New York, 1 August 1956.

(Signed) E. L. C. SCHIFF,
Acting Permanent Representative of the
Kingdom of the Netherlands to the United Nations.

NEW ZEALAND

22 IX 77.

I have the honour, by direction of the Minister of Foreign Affairs of New Zealand, to declare on behaif of the Government of New Zealand:

(I) The acceptance by the Government of New Zealand of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 1 April 1940[2] under Article 36 of the Statute of the Permanent Court of International Justice and made applicable to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court, is hereby terminated.

(II) The Government of New Zealand accept as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court over all disputes other than:

(1) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(2) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute: or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;

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[1] United Nations, *Treaty Series*, I, No. 2, Vol. 1.

[2] *I.C.J. Yearbook 1976-1977*, pp. 69 f.

(3) disputes arising out of, or concerning, the jurisdiction or rights claimed or exercised by New Zealand in respect of the exploration, exploitation, conservation or management of the living resources in marine areas beyond and adjacent to the territorial sea of New Zealand but within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

This Declaration shall remain in force for a period of five years from 22 September 1977 and thereafter until the expiration of six months after notice has been given of the termination of this Declaration provided that the Government of New Zealand reserves the right at any time to amend this Declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 22 September 1977.

(Signed) M. J. C. TEMPLETON,
Permanent Representative of
New Zealand to the United Nations.

NICARAGUA[1]

[Translation from the French] 24 IX 29.

On behalf of the Republic of Nicaragua I recognize as compulsory unconditionally the jurisdiction of the Permanent Court of International Justice.

Geneva, 24 September 1929.

(Signed) T. F. MEDINA.

NIGERIA

3 IX 65.

Whereas under Article 93 of the United Nations Charter all Member States are *ipso facto* parties to the Statute of the International Court of Justice;

And whereas the Government of the Federal Republic of Nigeria has decided to accept the compulsory jurisdiction of the International Court of Justice and it is necessary to make a declaration in terms of Article 36 (2) of the Statute of the Court;

Now therefore, I, Nuhu Bamali, Minister of State for External Affairs, hereby declare that the Government of the Federal Republic of Nigeria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court.

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[1] See the Court's Judgment of 26 November 1984 (*I.C.J. Reports 1984*, p. 392).

Done at Lagos, this 14th day of August, one thousand nine hundred and sixty-five.

(Signed) Nuhu BAMALI,
Minister of State for External Affairs.

NORWAY[1]

2 IV 76.

I hereby declare on behalf of the Royal Norwegian Government that Norway recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years as from 3 October 1976. This declaration shall thereafter be tacitly renewed for additional periods of five years, unless notice of termination is given not less than six months before the expiration of the current period; provided, however, that the Royal Norwegian Government, having regard to Article 95 of the Charter of the United Nations, reserves the right at any time to amend the scope of this declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 2 April 1976.

(Signed) Ole ÅLGÅRD,
Permanent Representative of
Norway to the United Nations.

PAKISTAN[2]

13 IX 60.

I have the honour, by direction of the President of Pakistan, to make the following declaration on behalf of the Government of Pakistan under Article 36, paragraph 2, of the Statute of the International Court of Justice:

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[1] This declaration replaced that of 17 December 1956 (United Nations, *Treaty Series*, I, No. 3642, Vol. 256).

[2] This declaration replaced that of 23 May 1957 (United Nations, *Treaty Series*, I, No. 3875, Vol. 269) notice of the withdrawal and termination of which was given by letter of 12 September 1960 received on the following day by the Secretary-General of the United Nations.

The Government of Pakistan recognize as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes after 24 June 1948, arising, concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that the declaration shall not apply to:

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or
(b) disputes relating to questions which by international law fall exclusively within the domestic jurisdiction of Pakistan;
(c) disputes arising under a multilateral treaty unless
  (i) all parties to the treaty affected by the decision are also parties to the case before the Court, or
  (ii) the Government of Pakistan specially agree to jurisdiction; and provided further, that this Declaration shall remain in force till such time as notice may be given to terminate it.

New York, 12 September 1960.

(Signed) Said HASAN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan to the
United Nations.

PANAMA[1]

[Translation from the French] 25 X 21.

On behalf of the Government of Panama, I recognize, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

Paris, 25 October 1921.

(Signed) R. A. AMADOR,
Chargé d'affaires.

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[1] An instrument of ratification was deposited on 14 June 1929. Cf. the footnote to Colombia, p. 74, above.

PHILIPPINES[1]

18 I 72.

I, Carlos P. Romulo, Secretary of Foreign Affairs of the Republic of the Philippines, hereby declare, under Article 36, paragraph 2, of the Statute of the International Court of Justice, that the Republic of the Philippines recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes arising hereafter concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that this declaration shall not apply to any dispute –

(a) in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement; or
(b) which the Republic of the Philippines considers to be essentially within its domestic jurisdiction; or
(c) in respect of which the other party has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of such dispute; or where the acceptance of the compulsory jurisdiction was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court; or
(d) arising under a multilateral treaty, unless (1) all parties to the treaty are also parties to the case before the Court, or (2) the Republic of the Philippines specially agrees to jurisdiction; or
(e) arising out of or concerning jurisdiction or rights claimed or exercised by the Philippines –
    (i) in respect of the natural resources, including living organisms belonging to sedentary species, of the sea-bed and subsoil of the continental shelf of the Philippines, or its analogue in an archipelago, as described in Proclamation No. 370 dated 20 March 1968 of the President of the Republic of the Philippines; or
    (ii) in respect of the territory of the Republic of the Philippines, including its territorial seas and inland waters; and

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[1] This declaration replaced that of 12 July 1947 (United Nations, *Treaty Series*, I, No. 101, Vol. 7).

Provided, further, that this declaration shall remain in force until notice is given to the Secretary-General of the United Nations of its termination.

Done at Manila this 23rd day of December 1971.

(Signed) Carlos P. ROMULO,
Secretary of Foreign Affairs.

POLAND

25 IX 90.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I hereby declare, on behalf of the Government of the Republic of Poland, that the Republic of Poland recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and subject to the sole condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes other than:

(a) disputes prior to the date of this declaration or disputes arisen out of facts or situations prior to the same date;
(b) disputes with regard to the territory or State boundaries;
(c) disputes with regard to pollution of the environment unless the jurisdiction of the International Court of Justice results from the treaty obligations of the Republic of Poland;
(d) disputes with regard to foreign liabilities or debts;
(e) disputes with regard to any State which has made a declaration accepting the compulsory jurisdiction of the International Court of Justice less than 12 months prior to the filing of the application bringing the dispute before the Court;
(f) disputes in respect whereof parties have agreed, or shall agree, to have recourse to some other method of peaceful settlement;
(g) disputes relating to matters which, by international law, fall exclusively within the domestic jurisdiction of the State.

This declaration shall be valid for a period of five years and be automatically prolonged thereafter for further periods of one year if not denounced by notification addressed to the Secretary-General of the United Nations taking effect after six months from the moment of such notification.

The Government of the Republic of Poland also reserves its right to add, by means of a notification addressed to the Secretary-General of the United Nations and taking effect after six months from the moment of such notification, new reservations or supplements, or to amend or withdraw any of the foregoing reservations.

Warsaw, 21 September 1990.

(Signed) Krzysztof SKUBISZEWSKI,
Minister of Foreign Affairs.

PORTUGAL

19 XII 55.

Under Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare on behalf of the Portuguese Government that Portugal recognizes the jurisdiction of this Court as compulsory *ipso facto* and without special agreement, as provided for in the said paragraph 2 of Article 36 and under the following conditions:

(1) the present declaration covers disputes arising out of events both prior and subsequent to the declaration of acceptance of the "optional clause" which Portugal made on 16 December 1920 as a party to the Statute of the Permanent Court of International Justice;

(2) the present declaration enters into force at the moment it is deposited with the Secretary-General of the United Nations; it shall be valid for a period of one year, and thereafter until notice of its denunciation is given to the said Secretary-General;

(3) the Portuguese Government reserves the right to exclude from the scope of the present declaration, at any time during its validity, any given category or categories of disputes, by notifying the Secretary-General of the United Nations and with effect from the moment of such notification.

Washington, D.C., 19 December 1955.

(Signed) L. ESTEVES FERNANDES.

SENEGAL[1]

[Translation from the French] 2 XII 85.

I have the honour, on behalf of the Government of the Republic of Senegal, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, it accepts on condition of reciprocity as compulsory *ipso facto* and without special convention, in relation to any other State accepting the same obligation, the jurisdiction of the Court over all legal disputes arising after the present declaration, concerning:

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of international obligation.

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[1] This declaration replaced that of 3 May 1985 (*I.C.J. Yearbook 1984-1985*, p. 93).

This declaration is made on condition of reciprocity on the part of all States. However, Senegal may reject the Court's competence in respect of:

- Disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- Disputes with regard to questions which, under international law, fall exclusively within the jurisdiction of Senegal.

Lastly, the Government of the Republic of Senegal reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend or withdraw the foregoing reservations.

Such notification would take effect on the date of its receipt by the Secretary-General.

Dakar, 22 October 1985.

(Signed) Ibrahim FALL,
Minister of Foreign Affairs
of the Republic of Senegal.

SOMALIA

11 IV 63.

I have the honour to declare on behalf of the Government of the Somali Republic that the Somali Republic accepts as compulsory *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all legal disputes arising other than disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court.

The Somali Republic also reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Mogadishu, 25 March 1963.

(Signed) Abdullahi ISSA,
Minister for Foreign Affairs.

SPAIN

[Translation from the Spanish] 29 X 90.

1. On behalf of the Spanish Government, I have the honour to declare that the Kingdom of Spain accepts as compulsory *ipso facto* and without special agreement, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in relation to any other State accepting the same obligation, on condition of reciprocity, in legal disputes not included among the following situations and exceptions:

(a) disputes in regard to which the Kingdom of Spain and the other party or parties have agreed or shall agree to have recourse to some other method of peaceful settlement of the dispute;

(b) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court only in relation to or for the purposes of the dispute in question;

(c) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court less than 12 months prior to the filing of the application bringing the dispute before the Court;

(d) disputes arising prior to the date on which this Declaration was deposited with the Secretary-General of the United Nations or relating to events or situations which occurred prior to that date, even if such events or situations may continue to occur or to have effects thereafter.

2. The Kingdom of Spain may at any time, by means of a notification addressed to the Secretary-General of the United Nations, add to, amend or withdraw, in whole or in part, the foregoing reservations or any that may hereafter be added. These amendments shall become effective on the date of their receipt by the Secretary-General of the United Nations.

3. The present Declaration, which is deposited with the Secretary-General of the United Nations in conformity with Article 36, paragraph 4, of the Statute of the International Court of Justice, shall remain in force until such time as it has been withdrawn by the Spanish Government or superseded by another declaration by the latter.

The withdrawal of the Declaration shall become effective after a period of six months has elapsed from the date of receipt by the Secretary-General of the United Nations of the relevant notification by the Spanish Government. However, in respect of States which have established a period of less than six months between notification of the withdrawal of their Declaration and its becoming effective, the withdrawal of the Spanish Declaration shall become effective after such shorter period has elapsed.

Madrid, 15 October 1990.

(Signed) Francisco FERNÁNDEZ ORDÓÑEZ,
Minister for Foreign Affairs.

SUDAN

2 I 58.

I have the honour by direction of the Ministry of Foreign Affairs to declare, on behalf of the Government of the Republic of the Sudan, that in pursuance of paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Government of the Republic of the Sudan recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, until such time as notice may be given to terminate this declaration, the jurisdiction of the International Court of Justice in all legal disputes arising after the first day of January 1956 with regard to situations or facts subsequent to that date concerning:

(a) the interpretation of a treaty concluded or ratified by the Republic of the Sudan on or after the first day of January 1956;
(b) any question of international law;
(c) the existence of any fact, which, if established, would constitute a breach of an international obligation; or
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

but excluding the following:

(i) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(ii) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of the Sudan as determined by the Government of the Republic of the Sudan;
(iii) disputes arising out of events occurring during any period in which the Republic of the Sudan is engaged in hostilities as a belligerent.

New York, 30 December 1957.

(Signed) Yacoub OSMAN,
Permanent Representative of the Sudan
to the United Nations.

SURINAME

31 VIII 87.

I have the honour by direction of the Minister of Foreign Affairs of the Republic of Suriname, to declare on behalf of the Government of Suriname:

The Government of the Republic of Suriname recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from the seventh September 1987, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes, which have arisen prior to this Declaration or may arise after this Declaration, with the exception of:

(A) disputes which have arisen or may arise with respect to or in relation with the borders of the Republic of Suriname;

(B) disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, have agreed to settlement by means of arbitration, mediation or other methods of conciliation and accommodation.

This Declaration shall be binding for a period of five years and shall continue in force after that period until twelve months after the Government of the Republic of Suriname has given notice of its termination.

New York, 31 August 1987.

(Signed) W. H. Werner VREEDZAAM,
Chargé d'affaires of the Permanent Mission
of the Republic of Suriname
to the United Nations.

SWAZILAND

26 V 69.

I, Prince Makhosini Jameson Dlamini, Prime Minister of the Kingdom of Swaziland to whom His Majesty has delegated responsibility for the conduct of foreign affairs, have the honour to declare on behalf of the Government of the Kingdom of Swaziland, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(a) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(b) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Kingdom of Swaziland.

The Government of the Kingdom of Swaziland also reserves the right to add to, amend or withdraw this Declaration by means of a notification addressed to the Secretary-General of the United Nations, with effect as from the moment of such notification.

Mbabane, 9 May 1969.

(Signed) Makhosini Jameson DLAMINI,
Prime Minister and Minister
for Foreign Affairs.

SWEDEN[1]

[Translation from the French] 6 IV 57.

On behalf of the Royal Swedish Government, I declare that it accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the said Court, for a period of five years as from 6 April 1957. This obligation shall be renewed by tacit agreement for further periods of the same duration unless notice of abrogation is made at least six months before the expiration of any such period. The above-mentioned obligation is accepted only in respect of disputes which may arise with regard to situations or facts subsequent to 6 April 1947.

New York, 6 April 1957.

(Signed) Claes CARBONNIER,
Permanent Representative *a.i.*
of Sweden to the United Nations.

SWITZERLAND

[Translation from the French] 28 VII 48.

The Swiss Federal Council, duly authorized for that purpose by a Federal decree which was adopted on 12 March 1948 by the Federal Assembly of the Swiss Confederation and became operative on 17 June 1948,

Hereby declares that the Swiss Confederation recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the

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[1] This declaration replaced that of 5 April 1947, which had been made for a period of ten years (United Nations, *Treaty Series*, I, No. 16, Vol. 2).

Swiss Confederation becomes a party to that Statute[1] and shall have effect as long as it has not been abrogated subject to one year's notice.

Done at Berne, 6 July 1948.

On behalf of the Swiss Federal Council:
(Signed) CELIO,
The President of the Confederation.
(Signed) LEIMGRUBER,
The Chancellor of the Confederation.

TOGO

[Translation from the French] 25 X 1979.

The Togolese Republic,

Represented by His Excellency Mr. Akanyi-Awunyo Kodjovi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Togo to the United Nations,

Acting pursuant to the provisions of Article 36, paragraphs 2 and 3, of the Statute of the International Court of Justice, annexed to the Charter of the United Nations,

Guided by its constant concern to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it might be involved, and desiring to contribute to the strengthening of the international legal order based on the principles set forth in the Charter of the United Nations,

Declares that it recognizes as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, that is, subject to reciprocity, the jurisdiction of the International Court of Justice in all disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration has been made for an unlimited period subject to the power of denunciation and modification attached to any obligation assumed by a sovereign State in its international relations. It will enter into force on the day on which it is received by the United Nations Secretariat.

New York, 24 October 1979.

(Signed) Akanyi-Awunyo KODJOVI.

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[1] Switzerland became a party to the Statute of the Court on 28 July 1948.

UGANDA

3 X 63.

I hereby declare on behalf of the Government of Uganda that Uganda recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, and on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court.

New York, 3 October 1963.

(Signed) Apollo K. KIRONDE,
Ambassador and Permanent Representative
of Uganda to the United Nations.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND[1]

1 I 69.

I have the honour, by direction of Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, to declare on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland that they accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 24 October 1945, with regard to situations or facts subsequent to the same date, other than:

(i) any dispute which the United Kingdom

  (a) has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement; or
  (b) has already submitted to arbitration by agreement with any State which had not at the time of submission accepted the compulsory jurisdiction of the International Court of Justice;

(ii) disputes with the government of any other country which is a Member of the Commonwealth with regard to situations or facts existing before 1 January 1969;

(iii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of

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[1] This declaration replaced that of 27 November 1963 (United Nations, *Treaty Series*, I, No. 6995, Vol. 482), notice of the withdrawal and termination of which was given by letter of 1 January 1969, received by the Secretary-General of the United Nations on that date.

Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the United Kingdom also reserve the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

New York, 1 January 1969.

(Signed) L. C. GLASS.

URUGUAY[1]

[Translation from the French] *Prior to* 28 I 21[2].

On behalf of the Government of Uruguay, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) B. FERNANDEZ Y MEDINA.

ZAIRE

[Translation from the French] 8 II 89.

... in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Executive Council of the Republic of Zaire recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

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[1] An instrument of ratification was deposited on 27 September 1921. Cf. the footnote to Colombia, p. 74, above.

[2] The date on which this declaration (undated) was first published in a League of Nations document.

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

It is understood further that this declaration will remain in force until notice of its revocation is given.

(Signed) Bagbeni Adeito NZENGEYA,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Zaire
to the United Nations.

III. CHRONOLOGICAL LIST OF OTHER INSTRUMENTS GOVERNING THE JURISDICTION OF THE COURT

Below is a chronological list of treaties and other instruments *notified to the Registry* following registration, classification or recording at the Secretariat of the United Nations which (in addition to certain texts referred to in Section I of the present chapter, the declarations reproduced in Section II and the special agreements whereby particular cases were submitted to the Court) contain clauses relating to the jurisdiction of the Court in contentious proceedings. Such clauses generally provide that disputes concerning the application or interpretation of the instrument may be referred to the Court for decision. For each instrument, the table mentions the date and place of signature, the title of the instrument, the relevant clause and the contracting parties, and also the number under which it has been registered or filed and recorded by the Secretariat and the volume in the United Nations *Treaty Series* in which it has been or will be published.

Where instruments prior to 1946 are mentioned they are instruments relating to the jurisdiction of the *Permanent Court of International Justice* which have been filed and recorded by the Secretariat of the United Nations and appear in the *Treaty Series* of the United Nations.

The fact that a treaty is or is not included in this section is without prejudice to its possible application by the Court in a particular case.

Any instrument not mentioned in previous *I.C.J. Yearbooks* is indicated by an asterisk.

1933	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 May	Ottawa	Convention concerning the rights of nationals and commercial and shipping matters (Art. 20)	Canada/France	II:545 Vol. 253
1939				
17 Dec.	Bogotá	Treaty of non-aggression, conciliation and judicial settlement (Art. XXIV)	Colombia/Venezuela	II:896
1940				
30 Mar.	Caracas	Treaty for the pacific settlement of disputes	Brazil/Venezuela	II:195 Vol. 51

1944	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
7 Dec.	Chicago	International air services transit agreement (Art. II, Sec. 2)	Multilateral	II:252 Vol. 84
7 Dec.	Chicago	International air transport agreement (Art. IV, Sec. 3)	Multilateral	II:502 Vol. 171
1946				
17 Apr.	Luxembourg	Convention concerning the Luxembourg railways (Art. 12)	Luxembourg/Belgium/France	I:402 Vol. 27
4 Nov.	Nanking	Treaty of friendship, commerce and navigation (Art. XXVIII)	China[1]/United States	I:359 Vol. 25
11 Dec.[2]	Lake Success	International convention relating to dangerous drugs, signed at Geneva, 19 Feb. 1925, as amended (Art. 32)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended (Art. 25)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for the suppression of illicit traffic in dangerous drugs, signed at Geneva on 26 June 1936, as amended (Art. 17)	Multilateral	I:186 Vol. 12
1947				
18 Apr.	Manila	Treaty of amity (Art. 2)	China[1]/Philippines	I:175 Vol. 11
9 July	Rome	Treaty of friendship and general relations (Art. V)	Italy/Philippines	I:674 Vol. 44
17 Oct.	London	Treaty regarding recognition of Burmese independence (Art. 14)	United Kingdom/Burma	I:904 Vol. 70
12 Nov.[2]	Lake Success	Convention (concluded at Geneva on 12 Sep. 1923) for the suppression of the circulation of and traffic in obscene publications, as amended (Art. 15)	Multilateral	I:710 Vol. 46
12 Nov.[2]	Lake Success	Convention (concluded at Geneva on 11 Oct. 1933) for the suppression of traffic in women of full age, as amended (Art. 4)	Multilateral	I:772 Vol. 53

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[1] All entries recorded throughout this Section in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions, and are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971.

[2] The date and place given here are those of the signature of the amending protocol.

1948	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
24 Jan.	Paris	Agreement concerning monetary and financial relations (Art. 23)	France/Lebanon	I:2263 Vol. 173
2 Feb.	Rome	Treaty of friendship, commerce and navigation (Art. XXVI)	United States/ Italy	I:1040 Vol. 79
30 Apr.	Bogotá	American treaty on pacific settlement	Multilateral	I:449 Vol. 30
21 May	New Delhi	Agreement relating to air services (Art. XI)	India/Sweden	I:543 Vol. 34
23 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/India	I:423 Vol. 28
28 June	Rome	Economic co-operation agreement (Art. X)	United States/ Italy	I:314 Vol. 20
28 June	Paris	Economic co-operation agreement (Art. X)	United States/ France	I:302 Vol. 19
29 June	Copenhagen	Economic co-operation agreement (Art. X)	United States/ Denmark	I:338 Vol. 22
2 July	Vienna	Economic co-operation agreement (Art. IX)	United States/ Austria	I:323 Vol. 21
2 July	The Hague	Economic co-operation agreement (Art. X)	United States/ Netherlands	I:315 Vol. 20
2 July	Athens	Economic co-operation agreement (Art. X)	United States/ Greece	I:342 Vol. 23
2 July	Brussels	Economic co-operation agreement (Art. X)	United States/ Belgium	I:309 Vol. 19
3 July	Oslo	Economic co-operation agreement (Art. X)	United States/ Norway	I:317 Vol. 20
3 July	Reykjavik	Economic co-operation agreement (Art. X)	United States/ Iceland	I:316 Vol. 20
3 July	Nanking	Economic aid agreement (Art. XI)	United States/ China[1]	I:273 Vols. 17 and 45
3 July	Luxembourg	Economic co-operation agreement (Art. X)	United States/ Luxembourg	I:350 Vol. 24
3 July	Stockholm	Economic co-operation agreement (Art. IX)	United States/ Sweden	I:343 Vol. 23
4 July	Ankara	Economic co-operation agreement (Art. IX)	United States/ Turkey	I:351 Vol. 24
6 July	London	Economic co-operation agreement (Art. X)	United States/ United Kingdom	I:339 Vol. 22
28 Sep.	Lisbon	Economic co-operation agreement, as amended (Art. X)	United States/ Portugal	I:442 Vol. 29
6 Oct.	Beirut	Treaty concerning consular arrangements, navigation, civil and commercial rights and establishment (Art. 33)	Greece/Lebanon	I:1179 Vol. 87
15/29 Nov.	Washington	*cf.* 1961, 23 Nov.		

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[1] See note 1, p. 108.

1948 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
9 Dec.	Paris (opened for signature)	Convention on the prevention and punishment of the crime of genocide (Art. IX)	Multilateral	I:1021 Vol. 78
1949				
3 Jan.	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Ceylon	I:428 Vol. 28
28 Apr.	Lake Success (opened for accession)	Revised general act for the pacific settlement of international disputes	Multilateral	I:912 Vol. 71
14 June	Washington	Treaty of friendship (Art. II)	Thailand/Philippines	I:1062 Vol. 81
4 July	Berne	Convention concerning the construction and use of the Bâle-Mulhouse airport at Blotzheim (Art. 20)	France/Switzerland	I:22048
15 July	Lake Success (opened for signature)	Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character (Art. IX)	Multilateral	I:2631 Vol. 197
30 Aug.	Ottawa	Agreement relating to air services (Art. 9)	Canada/Belgium	I:782 Vol. 53
10 Sep.	Guatemala City	Treaty of peace, friendship and co-operation (Art. 7)	Guatemala/Italy	I:1410 Vol. 102
19 Sep.	Geneva	Convention on road traffic (Art. 33)	Multilateral	I:1671 Vol. 125
20 Sep.	Beirut	Air transport agreement (Art. IX)	Netherlands/Lebanon	I:1474 Vol. 108
20 Oct.	New Delhi	Agreement relating to air services (Art. XI)	India/Philippines	I:934 Vol. 72
31 Oct.	Tehran	Agreement relating to air services (Art. 12)	Netherlands/Iran	I:3596 Vol. 254
1950				
12 Jan.	Canberra	Agreement relating to air services (Art. XII)	Australia/Ceylon	I:789 Vol. 53
21 Jan.	Dublin	Treaty of friendship, commerce and navigation (Art. XXIII)	United States/Ireland	I:2792 Vol. 206
27 Jan.	Mexico City	Commercial agreement (Art. VII)	Netherlands/Mexico	I:1661 Vol. 123
18 Feb.	Tehran	Treaty of friendship (Art. IV)	Iran/Pakistan	I:2119 Vol. 161
21 Mar.	Lake Success (opened for signature)	Convention for suppression of traffic in persons and of exploitation of prostitution of others (Art. 22)	Multilateral	I:1342 Vol. 96
24 Mar.	Rome	Treaty of friendship, conciliation and judicial settlement (Arts. 18-24)	Turkey/Italy	I:1338 Vol. 96
6 Aug.	Cairo	Agreement relating to air transport services (Art. XVI)	Egypt/France	I:1710 Vol. 127

1950 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
16 Aug.	Wellington	Agreement relating to air services (Art. X)	New Zealand/Canada	I:1002 Vol. 77
28 Aug.	Manila	Treaty of friendship, consular services and establishment (Art. II)	Greece/Philippines	I:3097 Vol. 225
16 Sep.	Brussels	Commercial agreement (Art. 7)	Belgo-Luxembourg Economic Union/Mexico	I:2523 Vol. 188
15 Dec.	London	Trade agreement (Art. 8)	United Kingdom/Norway	I:1459 Vol. 106
1951				
2 Feb.	Paris	Treaty of cession of the territory of the Free Town of Chandernagore (Art. XI)	India/France	I:2744 Vol. 203
22 Feb.	Oslo	Consular convention (Art. 34)	United Kingdom/Norway	I:4713 Vol. 326
8 May	London	Agreement for air services (Art. 10)	Belgium/United Kingdom	I:2079 Vol. 158
24 May	New Delhi	Agreement relating to air services (Art. XI)	India/Netherlands	I:1471 Vol. 108
18 June	Tehran	Agreement relating to air services (Art. 12)	Denmark/Iran	I:3602 Vol. 255
28 July	Geneva (opened for signature)	Convention relating to the status of refugees (Art. 38)	Multilateral	I:2545 Vol. 189
3 Aug.	Athens	Treaty of friendship, commerce and navigation (Art. XXVI)	Greece/United States	I:3080 Vol. 224
23 Aug.	Washington	Treaty of friendship, commerce and navigation (Art. XXIV)	Israel/United States	I:2979 Vol. 219
7 Sep.	Addis Ababa	Treaty of amity and economic relations (Art. XVII)	United States/Ethiopia	I:2785 Vol. 206
8 Sep.	San Francisco	Treaty of peace with Japan (Art. 22)	Multilateral	I:1832 Vol. 136
25 Sep.	Canberra	Agreement relating to air services (Art. VIII)	Netherlands/Australia	I:1713 Vol. 128
1 Oct.	Copenhagen	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/Denmark	I:6056 Vol. 421
31 Dec.	Paris	Consular convention (Art. 49)	France/United Kingdom	I:4744 Vol. 330
1952				
14 Mar.	Stockholm	Consular convention (Art. 34)	Sweden/United Kingdom	I:2731 Vol. 202
9 May	Tel Aviv	Agreement for economic assistance (Art. VIII)	United States/Israel	I:2326 Vol. 177
14 June	Cairo	Agreement relating to air services (Art. XIV)	Australia/Egypt	I:2269 Vol. 173
11 July	Manila	Treaty of friendship (Art. II)	India/Philippines	I:2741 Vol. 203

1952 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
17 July	Karachi	Agreement relating to air services (Art. XI)	Pakistan/ Netherlands	I:1980 Vol. 150
29 Aug.	Cairo	Agreement relating to air services (Art. XI)	Ethiopia/Pakistan	I:1979 Vol. 150
6 Sep.	Geneva	Universal copyright convention (Art. XV)	Multilateral	I:2937 Vol. 216
1953				
31 Mar.	New York (opened for signature)	Convention on the political rights of women (Art. IX)	Multilateral	I:2613 Vol. 193
31 Mar.	New York (opened for signature)	Convention on the international right of correction (Art. V)	Multilateral	I:6280 Vol. 435
2 Apr.	Tokyo	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Japan	I:2788 Vol. 206
17 Apr.	Athens	Consular convention (Art. 35)	Greece/United Kingdom	I:2582 Vol. 191
27 Apr.	Bangkok	Agreement relating to air services (Art. 10)	Thailand/ Philippines	I:2274 Vol. 174
23 June	New York (opened for signature)	Protocol for limiting and regulating cultivation of poppy plant, production of, international and wholesale trade in, and use of opium (Art. 15)	Multilateral	I:6555 Vol. 456
1 July	Paris (opened for signature)	Convention for the establishment of a European Organization for Nuclear Research (Art. XI)	Multilateral	I:2701 Vol. 200
14 Sep.	Colombo	Agreement for air services (Art. 11)	Netherlands/ Ceylon	I:2608 Vol. 193
24 Sep.	Helsinki	Agreement concerning a supplement to the convention of 30 January 1926 for the pacific settlement of disputes	Finland/Denmark	I:2532 Vol. 188
26 Sep.	Madrid	Economic aids agreement (Art. IX)	Spain/ United States	I:2802 Vol. 207
19 Oct.	Venice	Constitution of the Intergovernmental Committee for European Migration (Art. 30)	Multilateral	I:2807 Vol. 207
7 Dec.[1]	New York	Slavery convention signed at Geneva on 25 Sep. 1926, as amended (Art. 8)	Multilateral	I:2861 Vol. 212
24 Dec.	Beirut	Agreement for air services (Art. 10)	Belgium/Lebanon	I:2972 Vol. 219

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[1] The date and the place given here are those at which the amending protocol was opened for signature.

1954	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
16 Feb.	Paris	Convention on conditions of residence and navigation (Art. 13)	Sweden/France	I:3147 Vol. 228
3 Mar.	Bangkok	Treaty of friendship (Art. VI)	Thailand/Indonesia	I:2893 Vol. 213
20 Mar.	Mexico City	Consular convention (Art. 36)	United Kingdom/Mexico	I:4750 Vol. 331
17 Apr.	Beirut	Agreement relating to air services (Art. XIII)	Yugoslavia/Lebanon	I:8713 Vol. 602
12 May	London (opened for signature)	International convention for the prevention of pollution of the sea by oil (Art. XIII)	Multilateral	I:4714 Vol. 327
1 June	Rome	Consular convention (Art. 37)	United Kingdom/Italy	I:5798 Vol. 403
28 Sep.	New York	Convention relating to the status of stateless persons (Art. 34)	Multilateral	I:5158 Vol. 360
13 Oct.	Paris (opened for signature)	International convention on the standardization of methods of analysing and appreciating wines (Art. 6)	Multilateral	I:10416 Vol. 724
23 Oct.[1]	Paris	Treaty for collaboration in economic, social and cultural matters and for collective self-defence, signed at Brussels on 17 March 1948, as amended (Art. X)	Belgium, France, Luxembourg, Netherlands, United Kingdom, Fed. Rep. of Germany, Italy	I:304 Vols. 19 and 211
29 Oct.	Washington	Treaty of friendship, commerce and navigation (Art. XXVII)	United States/Fed. Rep. of Germany	I:3943 Vol. 273
5 Nov.	Rangoon	Treaty of peace (Art. IX)	Burma/Japan	I:3542 Vol. 251
24 Nov.	Rio de Janeiro	Agreement concerning conciliation and judicial settlement (Arts. 16-22)	Italy/Brazil	I:4146 Vol. 284
1 Dec.[2]	Paris	Agreement concerning the International Institute of Refrigeration, replacing the convention of 21 June 1920 (Art. XXXIII)	Multilateral	I:11837 Vol. 826
14 Dec.	Quito	Air transport agreement (Art. VIII)	Netherlands/Ecuador	I:3233 Vol. 232
1955				
31 Jan.	Manila	Agreement for air services (Art. 11)	Philippines/United Kingdom	I:2932 Vol. 216

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[1] The date and the place given here are those of the signature of the protocol modifying and completing the Treaty, by which Article VIII of the Treaty became Article X.

[2] The date and place given here are those of the signature of the revised Convention.

1955 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
5 Mar.	Paris	Consular convention (Art. 44)	Sweden/France	I:6150 Vol. 427
*10 Aug.	Tripoli	Treaty of friendship and good neighbourliness	France/Libya	
15 Aug.	Tehran	Treaty of amity, economic relations and consular rights (Art. XXI)	United States/Iran	I:4132 Vol. 284
17 Sep.	Lugano	Convention concerning the regulation of Lake Lugano (Art. XI)	Italy/ Switzerland	I:4257 Vol. 291
20 Oct.	Berne	Additional protocol to the convention concerning the constitution of "Eurofima" (Art. 14)	Multilateral	I:5425 Vol. 378
21 Oct.	Beirut	Air transport agreement (Art. 11)	Denmark/Lebanon	I:3482 Vol. 248
13 Dec.	Paris	European convention on establishment (Art. 31)	Multilateral	I:7660 Vol. 529
1956				
27 Mar.	The Hague	Treaty of friendship, commerce and navigation (Art. XXV)	Netherlands/ United States	I:4154 Vol. 285
30 Apr.	Paris	Agreement on commercial rights of non-scheduled air services in Europe (Art. 4)	Multilateral	I:4494 Vol. 310
19 May	Geneva (opened for signature)	Convention on the contract for the international carriage of goods by road (Art. 47)	Multilateral	I:5742 Vol. 399
20 June	New York (opened for signature)	Convention on the recovery abroad of maintenance (Art. 16)	Multilateral	I:3850 Vol. 268
30 July	Bonn	Consular convention (Art. 41)	United Kingdom/ Fed. Rep. of Germany	I:4748 Vol. 330
30 Aug.	Manila	Treaty of friendship (Art. 2)	Philippines/ Switzerland	I:4284 Vol. 293
7 Sep.	Geneva	Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery (Art. 10)	Multilateral	I:3822 Vol. 266
28 Nov.	Seoul	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Rep. of Korea	I:4367 Vol. 302
11 Dec.	Athens	Convention on judicial settlement	Greece/Sweden	I:4316 Vol. 299
1957				
20 Feb.	New York (opened for signature)	Convention on the nationality of married women (Art. 10)	Multilateral	I:4468 Vol. 309

1957 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
28 Feb.	Tokyo	Treaty of commerce and navigation (Art. XVIII, para. 2)	Norway/Japan	I:4054 Vol. 280
24 Apr.	Cairo	Declaration on the Suez Canal and the arrangements for its operation (para. 9)	Egypt[1]	I:3821 Vol. 265
29 Apr.	Strasbourg (opened for signature)	European convention for the peaceful settlement of disputes	Multilateral	I:4646 Vol. 320
23 June	Kabul	Agreement relating to air services (Art. XI)	Pakistan/ Afghanistan	I:4717 Vol. 327
23 Nov.	The Hague	Agreement relating to refugee seamen (Art. 14)	Multilateral	I:7384 Vol. 506
1958				
20 Jan.	Djakarta	Treaty of peace (Art. 6)	Japan/Indonesia	I:4688 Vol. 324
3 Feb.	The Hague	Treaty instituting the Benelux Economic Union (Art. 50)	Belgium, Luxembourg, Netherlands	I:5471 Vol. 381
5 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Norway/Pakistan	I:4769 Vol. 334
6 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Sweden/Pakistan	I:5656 Vol. 393
10 Apr.	Copenhagen	Agreement relating to air services (Art. XI)	Denmark/Pakistan	I:4353 Vol. 302
14 Apr.	Tehran	Agreement concerning air transport (Art. 13)	Belgium/Iran	I:5473 Vol. 381
29 Apr.	Geneva (opened for signature)	Optional protocol of signature concerning the compulsory settlement of disputes[2]	Multilateral	I:6466 Vol. 450
7 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Portugal	I:4645 Vol. 320
4 July	Karachi	Agreement relating to air services (Art. XI)	Belgium/ Pakistan	I:5569 Vol. 387
21 July	Vienna	Agreement relating to air services (Art. XI)	Austria/ Afghanistan	I:9236 Vol. 645
28 Nov.	Monrovia	Agreement for the establishment and operation of air services (Art. 9)	Liberia/ Netherlands	I:5651 Vol. 393
1959				
30 Jan.	Tegucigalpa	Agreement on commerce (Art. XII)	Belgium, Luxembourg, Netherlands/ Honduras	I:9234 Vol. 645

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[1] See Sec. II, p. 77, above.

[2] This Protocol relates to disputes concerning the Geneva Conventions on the Law of the Sea of 29 April 1958.

1959 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
16 July	Rome	Agreement relating to air services (Art. XI)	India/Italy	I:6714 Vol. 464
12 Nov.	Washington	Treaty of friendship and commerce (Art. XXIII)	United States/ Pakistan	I:5816 Vol. 404
19 Nov.	Rome	Convention placing the International Poplar Commission within the framework of FAO (Art. XV)	Multilateral	I:5902 Vol. 410
25 Nov.	Paris	Convention of establishment (Art. XVI)	United States/ France	I:5764 Vol. 401
25 Nov.	Bonn	Treaty for the promotion and protection of investments (Art. 11)	Pakistan/Fed. Rep. of Germany	I:6575 Vol. 457
1 Dec.	Washington	Antarctic treaty (Art. XI)	Multilateral	I:5778 Vol. 402
9 Dec.	Monrovia	Agreement relating to air services (Art. VIII)	Sweden/Liberia	I:6716 Vol. 464
1960				
13 Feb.[1]	Beirut	Agreement for air transport of 24 Jan. 1949, as amended (Art. 9)	Italy/Lebanon	I:3223 Vol. 497
9 Mar.	Conakry	Air transport agreement (Art. 9)	Netherlands/ Guinea	I:5646 Vol. 392
15 Mar.	Geneva	Convention relating to the unification of certain rules concerning collisions in inland navigation (Art. 14)	Multilateral	I:8310 Vol. 572
24 Mar.	Berne	Agreement concerning air services (Art. 9)	Belgium/ Switzerland	I:5996 Vol. 416
8 Apr.	The Hague	Treaty concerning arrangements for co-operation in the Ems estuary (Art. 46)	Netherlands/ Fed. Rep. of Germany	I:7404 Vol. 509
8 Apr.	The Hague	Agreement to accept the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the revised convention on Rhine navigation, 1868	Netherlands/ Fed. Rep. of Germany	I:7404 Vol. 509
24 June	Vienna	Consular convention (Art. 45)	United Kingdom/ Austria	I:7327 Vol. 502
19 Oct.	Amman	Agreement relating to air services (Art. 9)	Belgium/Jordan	I:6959 Vol. 479
14 Dec.	Paris	Convention against discrimination in education (Art. 8)	Multilateral	I:6193 Vol. 429

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[1] The date given here is the date of signature of the amending protocol.

1960 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 Dec.[1]	New Delhi	Agreement of 11 July 1949 relating to air services, as amended (Art. X)	India/Australia	I:552 Vols. 35 and 425
18 Dec.	Tokyo	Treaty of friendship and commerce (Art. XIII)	Pakistan/Japan	I:6093 Vol. 423
1961				
21 Feb.	Brussels	Treaty of friendship, establishment and navigation (Art. 19)	Belgium/ United States	I:6967 Vol. 480
8 Mar.	Brussels	Consular convention (Art. 43)	Belgium/ United Kingdom	I:7554 Vol. 523
11 Mar.	Reykjavik	Exchange of notes constituting an agreement settling the fisheries dispute	Iceland/United Kingdom	I:5710 Vol. 397
30 Mar.	New York	Single convention on narcotic drugs (Art. 48)	Multilateral	I:7515 Vol. 520
3 Apr.	Saigon	Treaty of amity and economic relations (Art. XIV)	United States/ Republic of Viet Nam	I:6106 Vol. 424
18 Apr.	Vienna	Optional protocol to the Vienna convention on diplomatic relations concerning the compulsory settlement of disputes	Multilateral	I:7312 Vol. 500
30 May	Madrid	Consular convention (Art. 53)	United Kingdom/ Spain	I:8198 Vol. 562
17 June	Conakry	Air transport agreement (Art. 9)	Sweden/Guinea	I:6729 Vol. 465
19 July	Reykjavik	Exchange of notes constituting an agreement concerning the fishery zone round Iceland	Iceland/ Fed. Rep. of Germany	I:5877 Vol. 409
27 July	Beirut	Agreement for the establishment and operation of air services (Art. XII)	Lebanon/Liberia	I:11304 Vol. 794
24 Aug.	Amman	Agreement relating to air services (Art. 9)	Netherlands/ Jordan	I:6733 Vol. 466
30 Aug.	New York	Convention on the reduction of statelessness (Art. 14)	Multilateral	I:14458 Vol. 989
31 Aug.	Monrovia	Agreement relating to air services (Art. XII)	Switzerland/ Liberia	I:8160 Vol. 559
26 Oct.	Rome	International convention for the protection of performers, producers of phonograms and broadcasting organizations (Art. 30)	Multilateral	I:7247 Vol. 496

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[1] The date given here is that of the exchange of notes which modified the Agreement and by which Article XI became Article X.

1961 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
23 Nov.[1]	Rome	Constitution of the International Rice Commission, adopted at Washington 15/29 Nov. 1948, as amended (Art. XI)	Multilateral	I:1613 Vol. 418
23 Nov.[1]	Rome	Agreement for the establishment of Indo-Pacific Fisheries Council, adopted at Washington 15/29 Nov. 1948, as amended (Art. XIII)	Multilateral	I:1615 Vol. 418
1962				
23 Feb.	Luxembourg	Treaty of friendship, establishment and navigation (Art. XVII)	United States/ Luxembourg	I:6868 Vol. 474
19 Mar.	Evian	*cf.* 1962, 3 July		
21 June	Paris	Air transport agreement (Art. 9)	Norway/Guinea	I:6738 Vol. 466
27 June	Copenhagen	Consular convention (Art. 36)	United Kingdom/ Denmark	I:8197 Vol. 562
29 June	Bonn	Agreement relating to air services (Art. VIII)	Norway/Liberia	I:6739 Vol. 466
3 July[2]	Paris and Rocher-Noir	Exchange of letters and declarations adopted on 19 March 1962 at the close of the Evian talks, constituting an agreement (declaration of principles relating to the settlement of disputes)	France/Algeria	I:7395 Vol. 507
14 Nov.	London	Treaty of commerce, establishment and navigation (Art. 31)	United Kingdom/ Japan	I:6934 Vol. 478
10 Dec.	New York (opened for signature)	Convention on consent to marriage, minimum age for marriage and registration of marriages (Art. 8)	Multilateral	I:7525 Vol. 521
1963				
8 Jan.	Seoul	Consular convention (Art. 16)	United States/ Republic of Korea	I:7211 Vol. 493
24 Apr.	Vienna	Optional protocol to the Vienna convention on consular relations concerning the compulsory settlement of disputes	Multilateral	I:8640 Vol. 596

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[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the instrument.

[2] The date and the places given here are those of the exchange of letters.

1963 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
13 Aug.	Asunción	Agreement on trade and navigation (Art. XVI)	Belgium, Luxembourg, Netherlands/ Paraguay	I:8572 Vol. 592
14 Sep.	Tokyo	Convention on offences and certain other acts committed on board aircraft (Art. 24)	Multilateral	I:10106 Vol. 704
26 Oct.	Niamey	Act regarding navigation and economic co-operation between the States of the Niger Basin (Art. 7)	Multilateral	I:8506 Vol. 587
31 Oct.	Paris (opened for signature)	Protocol on privileges and immunities of the European Space Research Organization (Art. 29)	Multilateral	I:11473 Vol. 805
3 Dec.[1]	Rome	Agreement for the establishment of a General Fisheries Council for the Mediterranean, drawn up at Rome on 24 Sep. 1949, as amended (Art. XIII)	Multilateral	I:1691 Vol. 490
3 Dec.	Rome	Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of Its Distribution Area in South-West Asia (Art. XVII)	Multilateral	I:7663 Vol. 529
1964				
4 Feb.	Karachi	Agreement relating to scheduled air services (Art. XII, para. B, ii)	Pakistan/ Lebanon	I:8863 Vol. 614
4 May	Tokyo	Consular convention (Art. 39)	United Kingdom/ Japan	I:8179 Vol. 561
19 Sep.	Beirut	Agreement relating to air services (Art. XI)	India/ Lebanon	I:11820 Vol. 825
1965				
25 Jan.	Geneva	Convention on the registration of inland navigation vessels (Art. 20)	Multilateral	I:21114
18 Mar.	Washington (opened for signature)	Convention on the settlement of investment disputes between States and nationals of other States (Art. 64)	Multilateral	I:8359 Vol. 575
21 Apr.	Belgrade	Consular convention (Art. 45)	United Kingdom/ Yugoslavia	I:8620 Vol. 595

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[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the Agreement.

1965 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
2 July	Rome	Agreement for establishment of a commission for controlling the desert locust in the Near East (Art. XVI)	Multilateral	I:8575 Vol. 592
7 July	London	Treaty for conciliation, judicial settlement and arbitration (Art. 14)	United Kingdom/ Switzerland	I:8765 Vol. 605
1966				
8 Feb.	Lomé	Treaty of amity and economic relations (Art. XIV)	United States/ Togo	I:9677 Vol. 680
15 Feb.	Geneva	Convention on the measurement of inland navigation vessels (Art. 14)	Multilateral	I:13899 Vol. 964
7 Mar.	New York (opened for signature)	International convention on the elimination of all forms of racial discrimination (Art. 22)	Multilateral	I:9464 Vol. 660
1967				
31 Jan.	New York	Protocol relating to the status of refugees (Art. IV)	Multilateral	I:8791 Vol. 606
14 Feb.	Mexico City	Treaty for the prohibition of nuclear weapons in Latin America (Art. 24)	Multilateral	I:9068 Vol. 634
14 Mar.	Manila	Trade agreement (Art. IX)	Belgium, Luxembourg, Netherlands/ Philippines	I:12382 Vol. 863
24 May	Kabul	Agreement relating to air services (Art. IX)	Denmark/ Afghanistan	I:9951 Vol. 695
1 June	London	Convention on conduct of fishing operations in the North Atlantic (Art. 13)	Multilateral	I:15849 Vol. 1051
10 July	Paris	International agreement on the procedure for the establishment of tariffs for scheduled air services (Art. 4)	Multilateral	I:9971 Vol. 696
14 July[1]	Stockholm	Convention for the protection of industrial property signed at Paris on 20 March 1883, as revised (Art. 28)	Multilateral	I:11851 Vol. 828
1968				
23 Feb.	Brussels	Protocol amending the international convention for the unification of certain rules of law relating to bills of lading, signed at Brussels on 25 August 1924 (Art. 8)	Multilateral	I:23643

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[1] The date and the place given here are those of the signature of the revised Convention.

1968 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
8 Nov.	Vienna	Convention on road traffic (Art. 52)	Multilateral	I:15705 Vol. 1042
8 Nov.	Vienna	Convention on road signs and signals (Art. 44)	Multilateral	I:16743 Vol. 1091
1969				
13 Feb.	Geneva	Agreement establishing the European Molecular Biology Conference (Art. VIII)	Multilateral	I:10462 Vol. 727
23 May	Vienna	Convention on the law of treaties (Art. 66)	Multilateral	I:18232 Vol. 1155
25 July	Boston	International health regulations (Art. 106)	Multilateral	I:10921 Vol. 764
2 Sep.	Washington	Consular convention (Art. 46)	Belgium/ United States	I:13178 Vol. 924
8 Sep.	Mexico City	Convention on the privileges and immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America (Art. 7)	Multilateral	I:16545
30 Dec.	Belgrade	Consular convention (Art. 46)	Belgium/ Yugoslavia	I:13441 Vol. 943
1970				
23 Apr.	Brussels	International convention on travel contracts (Art. 32, para. 2)	Multilateral	I:21051
19 June	Washington	Treaty on patent cooperation (Art. 59)	Multilateral	I:18336 Vol. 1160
1 Dec.	Rome	Agreement for the establishment of a commission for controlling the desert locust in North-West Africa (Art. XVI)	Multilateral	I:11354 Vol. 797
16 Dec.	The Hague	Convention on the suppression of the unlawful seizure of aircraft	Multilateral	I:12325 Vol. 860
1971				
21 Feb.	Vienna	Convention on psychotropic substances (Art. 31)	Multilateral	I:14956 Vol. 1019
14 July	Brussels	Treaty of commerce (Art. 11)	Belgium, Luxembourg, Netherlands/ USSR	I:12656 Vol. 883
17 July	Accra	Agreement for the provision of a special loan to the Government of the Republic of Ghana to facilitate the payment of medium term commercial debts (Art. VII)	United Kingdom/ Ghana	I:11467 Vol. 805

1971 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
24 July[1]	Paris	Convention for the protection of literary and artistic works signed at Berne on 9 September 1886, as revised (Art. 33)	Multilateral	I:25986
24 July	Paris	Universal copyright convention, signed at Geneva on 6 September 1952, as revised (Art. XV)	Multilateral	I:13444 Vol. 943
23 Sep.	Montreal	Convention for the suppression of unlawful acts against the safety of civil aviation (Art. 14)	Multilateral	I:14118 Vol. 974
6 Oct.	Paris	Convention on the establishment of the International Institute for the Management of Technology (Art. 7)	Multilateral	I:14566 Vol. 995
1972				
28 Apr.	Ankara	Consular convention (Art. 58)	Belgium/ Turkey	I:15142
16 May	Basle	European convention on State immunity (Art. 34)	Multilateral	
1973				
10 May	Geneva	Agreement establishing the European Molecular Biology Laboratory (Art. XII)	Multilateral	I:13668 Vol. 954
12 June	The Hague	Protocol relating to refugee seamen (Art. II)	Multilateral	I:13928 Vol. 965
22 June	Rome	Agreement for the establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South-West Pacific (Art. XX)	Multilateral	I:14604
5 Oct.	Munich	Convention on the grant of European patents (Art. 173)	Multilateral	I:16208
19 Nov.	Montevideo	Treaty of the La Plata River and its maritime limits (Art. 87)	Uruguay/ Argentina	I:21424
30 Nov.	New York	International convention on the suppression and punishment of the crime of *apartheid* (Art. XII)	Multilateral	I:14861 Vol. 1015

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[1] The date and the place given here are those of the signature of the revised Convention.

1973 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 Dec.	New York	Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (Art. 13)	Multilateral	I:15410 Vol. 1035
1974				
19 Feb.	Madrid	Agreement on the delimitation of the continental shelf (Art. 3, para. 2)	Italy/Spain	
22 Mar.	Helsinki	Convention on the protection of the marine environment of the Baltic Sea area (Art. 18, para. 2)	Multilateral	I:18338
16 May	Khartoum	Agreement relating to the joint exploitation of the natural resources of the sea-bed and subsoil of the Red Sea in the common zone (Art. XVI)	Sudan/ Saudi Arabia	I:13605 Vol. 952
1975				
26 Feb.	Salto	Treaty concerning the status of the river Uruguay (Art. 60)	Uruguay/ Argentina	I:21425
8 Aug.	New York	Single convention on narcotic drugs, 1961, as amended (Art. 48)	Multilateral	I:14152
1977				
24 May	Athens	Agreement on the delimitation of the respective continental shelves of the two States (Art. IV)	Greece/Italy	I:21048
1978				
5 July	Geneva	Protocol to the convention on the contract for the international carriage of goods by road (CMR) (Art. 8)	Multilateral	I:19487
1979				
30 Mar.	Geneva	International agreement on olive oil (Art. 14, para. 2)	Multilateral	I:19674
10 May	Manila	Treaty of amity, commerce and navigation (Art. XV, para. 2)	Japan/ Philippines	I:20979
17 Dec.	New York	International convention against the taking of hostages (Art. 16, para. 1)	Multilateral	I:21931
18 Dec.	New York	Convention on the elimination of all forms of discrimination against women (Art. 29)	Multilateral	I:20378

1980	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
20 May	Canberra	Convention on the conservation of Antarctic marine living resources	Multilateral	I:22301
30 Oct.	Lima	General peace treaty (Arts. 31-36 and 39)	El Salvador/ Honduras	I:21856
1981				
23 Jan.	Cotonou	Agreement concerning technical co-operation (Art. IX)	Switzerland/ Benin	I:19804
1985				
22 Mar.	Vienna	Vienna convention for the protection of the ozone layer (Art. 11)	Multilateral	I:92615
10 Dec.	New York	International convention against *apartheid* in sports (Art. 19)	Multilateral	
1986				
21 Mar.	Vienna	Vienna convention on the law of treaties between States and international organizations or between international organizations (Art. 66, para. 2)	Multilateral	
1988				
20 Dec.	Vienna	United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (Art. 32)	Multilateral	
1989				
4 Dec.	New York	International convention against the recruitment, use, financing and training of mercenaries (Art. 17, para. 1)	Multilateral	
1991				
*1 Mar.	Montreal	Convention on the marking of plastic explosives for the purpose of detection	Multilateral	

CHAPTER V

FUNCTIONING AND PRACTICE OF THE COURT

In matters concerning its administration and procedure, the International Court of Justice applies Articles 21, 22 and 39-68 of its Statute and Articles 12, 19-31 and 38-109 of its Rules.

I. SEAT

The seat of the Court is established at The Hague (Netherlands); this however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55).

The Court occupies, in the Peace Palace at The Hague, the premises formerly occupied by the *Permanent Court of International Justice* as well as a new wing built at the expense of the Netherlands Government and inaugurated in 1978.

An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises. The agreement was approved by the General Assembly of the United Nations in resolution 84 (I) of 11 December 1946. It provides for the payment to the Carnegie Foundation of an annual contribution (see Chap. VIII, p. 223, below).

II. ADMINISTRATION

1. The Presidency and the Committees of the Court

The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court (Rules, Art. 12)[1].

Decisions which have to be taken by the Court on administrative matters are prepared by a Budgetary and Administrative Committee composed of the President, the Vice-President and five judges who are elected annually (at present Judges Schwebel, Bedjaoui, Tarassov, Guillaume and Shahabuddeen).

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[1] Occasionally the President is requested by third persons to undertake tasks outside the judicial work of the Court. These activities are described at the end of this chapter (p. 142, below).

In 1967 the Court established a Committee on Relations. Its present members are Judges Bedjaoui, Ni and Aguilar Mawdsley. This committee is responsible for preparing plans and programmes with a view to the wider dissemination of information on the work of the Court and the maintenance of its relations with other United Nations organs, the specialized agencies, and international bodies and conferences concerned with the codification and progressive development of international law.

In 1970 the Court established a Library Committee (at present Judges Ago, Weeramantry and Ranjeva) to review the programme of acquisitions for the library of the Court and supervise the continuous modernization of its services.

In 1979 the Court constituted the Rules Committee as a standing body. Its members are at present Judges Lachs, Ago, Bedjaoui, Ni, Evensen and Tarassov.

Each year, in application of Article 11 of the Staff Regulations for the Registry, which came into force in 1979, the Court elects a Judge and Alternate Judge for Staff Appeals. Judges Evensen and Bedjaoui, respectively, hold these offices at present.

2. The Registry

The Registry is the administrative organ of the Court. Its role is defined by the Statute and the Rules (in particular Rules, Arts. 22-29). The organization of the Registry is prescribed by the Court on proposals submitted by the Registrar, and Instructions for the Registry are drawn up by the Registrar and approved by the Court (Rules, Art. 28, paras. 2 and 3). The instructions drawn up in October 1946 were amended in March 1947 and September 1949 (*I.C.J. Yearbook 1946-1947*, pp. 72-87; *I.C.J. Yearbook 1949-1950*, p. 24).

(a) *The Registrar and the Deputy-Registrar*

The Court appoints its Registrar from among candidates proposed by Members of the Court; he is elected for a term of seven years and may be re-elected (Statute, Art. 21, para. 2; Rules, Art. 22). The Court also appoints a Deputy-Registrar, under the same conditions and in the same way as the Registrar (Rules, Art. 23).

The general functions of the Registrar are defined by the Rules of Court (Art. 26) and the Instructions for the Registry (Art. 1). Under the Instructions: "the Registrar is responsible for all departments of the Registry. The Staff is under his control and he alone is authorized to direct the work of the Registry, of which he is the Head." He is assisted by the Deputy-Registrar and, in the event of his absence, is replaced by the Deputy-Registrar or, failing him, an official of the Registry appointed by the President (Rules, Art. 27; Instructions for the Registry, Arts. 2 and 42).

The present Registrar is Mr. Eduardo Valencia-Ospina, of Colombian nationality, who was elected on 19 February 1987. He was previously the Court's Deputy-Registrar (1984-1987) and before that had served as the senior legal officer of the Codification Division at the Office of Legal Affairs in the United Nations Secretariat.

The Deputy-Registrar is Mr. Bernard Noble, of British nationality, previously a First Secretary of the Court, who was also elected on 19 February 1987.

Previous Registrars of the Court were E. Hambro (1946-1953), J. López-Oliván (1953-1960), J. Garnier-Coignet (1960-1966), S. Aquarone (1966-1980) and S. Torres Bernárdez (1980-1986). Previous Deputy-Registrars were J. Garnier-Coignet (1946-1960), S. Aquarone (1960-1966), W. Tait (1966-1976), and A. Pillepich (1977-1984).

(b) *Departments of the Registry*

The officials of the Registry are appointed by the Court on proposals submitted by the Registrar (Statute, Art. 21, para. 2; Rules, Art. 25). General Service category and temporary staff, however, are appointed by the Registrar (Rules, Art. 25; Staff Regulations for the Registry, Art. 5; Instructions for the Registry, Art. 4).

All officials of the Registry, whether permanent or temporary, must be proficient in English and French and those whose work involves linguistic responsibilities must have one of these languages as their first language.

The following table gives a list of officials employed by the Registry (both on a permanent basis and under fixed-term contracts) as at 31 July 1991, showing the posts they occupy with references, where appropriate, to the articles of the Instructions for the Registry in which their duties are defined.

	Date of assumption of duties	*Nationality*
Secretaries of the Court (Art. 43)		
Principal Legal Secretary		
H. W. A. Thirlway	1 September 1968	British
First Secretaries		
P.-M. Blaser	1 June 1986	Swiss
A. Brouillet	13 June 1988	French
Secretaries		
A. Th. Witteveen	15 July 1975	Dutch
In charge of information matters		
Ph. Couvreur	13 April 1982	Belgian
Linguistic Staff		
Mrs. J. E. Bouri	1 July 1986	British
F. Mengin	5 May 1986	French
Special Assistant		
J.-P. Isselé	5 April 1988	French

Information Officer

Mrs. N. Choucri El-Erian	1 March 1982	Egyptian

Administrative Assistants

Mrs. M. G. A. van Haasbergen	1 March 1985	French
Miss M. D. Donnelly	1 January 1985	British

Establishment (Arts. 54-66)

C. J. van Ommering Accountant/Establishment Officer, Head of Department	1 October 1973	Dutch
M. Mendella	1 April 1986	Canadian
C. Uriot	1 March 1981	Dutch
T. Komnenović	1 August 1973	Yugoslav
B. J. van Veen	1 March 1982	Dutch

Telephonists-Receptionists

Mrs. J. Koot-Jager	1 March 1978	Dutch
Mrs. E. Keijman	1 April 1978	Dutch

Messengers

I. J. van der Meer Co-ordinator	1 June 1980	Dutch
S. Cantarella	9 April 1981	Italian
J. Pronk	1 January 1982	Dutch
D. Driessen	1 April 1982	Dutch
R. Pijl	1 January 1990	Dutch

Security Guards

F. Koch	1 September 1985	Dutch
M. Sow	1 August 1985	Senegalese

Shorthand and Typewriting Department (Art. 53)

Mrs. N. Juszezak Head of Department	1 January 1979	French
Miss C. Rakoto	5 September 1983	Malagasy
Mrs. J. Devisme	1 January 1986	French
Mrs. R. Weerakoon	20 January 1986	Sri Lankan
Miss M. Stutterheim	1 January 1990	Dutch
Mrs. C. Wainwright	1 January 1990	Australian
Mrs. F. Collins	1 January 1990	British
Mrs. D. Roodbol	1 January 1990	French
Miss V. Primas	1 January 1990	French
W. P. Molenaar	1 February 1971	Dutch
G. D'Olivo	1 December 1982	Italian

Judges' Secretaries		
Mrs. M. de Meyier Co-ordinator	1 January 1982	French and Dutch
Mrs. R. Snoeck	10 January 1977	French and Dutch
Miss W. Ch. Deelder	1 July 1982	Dutch
Miss J. Newall	1 November 1985	British
Mrs. L. Speeleveld	1 January 1986	Belgian
Miss H. H. Muyen	1 June 1987	Dutch
Miss L. E. Brown	1 January 1990	British
Mrs. M. Cleary-Cogan	1 January 1990	British
Miss A. Moore	1 January 1990	British
Miss M. Sullivan	1 January 1990	British
Mrs. D. Bloemendaal	1 April 1990	British
Archives (Arts. 44-52)		
Miss M. S. Lycett Head of Department	1 July 1980	British
G. J. M. Rammers	1 January 1958	Dutch
L. van der Gaag	1 July 1961	Dutch
S. R. S. Bedi	16 September 1985	Indian
D. van Rooy	16 April 1975	Dutch
Printing Department (Arts. 67-69)		
P. Vio Head of Department	1 June 1974	Italian
S. H. Herd	1 August 1987	British
Documents Department (Arts. 70-73)		
A. C. G. M. Eyffinger Librarian, Head of Department	1 February 1988	Dutch
Mrs. R. S. B. van Megen	13 August 1973	Dutch
M. Schiethart	1 January 1981	Dutch
G. Vooijs	1 January 1981	Dutch

(c) *Staff Regulations for the Registry*

Article 28, paragraph 4, of the Rules of Court states:

> "The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court."

On 7 March 1979 the Court adopted new Staff Regulations for the Registry, which are reproduced in Chapter VI of the *I.C.J. Yearbook 1978-1979* (pp. 127-131). In November 1987 these Staff Regulations were amended (see *I.C.J. Yearbook 1988-1989*, pp. 163-164).

Before 1979 staff members of the Registry had been subject to Staff Regulations adopted by the President and approved by the Court in March 1947 in accordance with Article 18, paragraph 2, of the 1946 Rules of Court; these Staff Regulations had been amended in February and March 1950 and in June 1951 (see *I.C.J. Yearbook 1946-1947*, pp. 66-71; *I.C.J. Yearbook 1949-1950*, pp. 23-24; *I.C.J. Yearbook 1950-1951*, pp. 25-27).

(d) *Privileges and immunities*

In the Netherlands, in accordance with the terms of an exchange of letters, dated 26 June 1946, between the President of the Court and the Minister for Foreign Affairs of the Netherlands, the Registrar is, in a general way, accorded the same treatment as heads of diplomatic missions accredited to Her Majesty the Queen of the Netherlands, and officials of the Registry are treated as officials of comparable rank attached to diplomatic missions at The Hague (*I.C.J. Acts and Documents No. 5*, pp. 201-207).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 207-211) the General Assembly of the United Nations recommended that, on journeys in connection with the exercise of his functions, the Registrar should enjoy all the privileges, immunities and facilities granted to diplomatic envoys and that the officials of the Registry should, in the same circumstances, enjoy such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

This resolution also contains a recommendation calling upon Members of the United Nations to recognize and accept the United Nations laissez-passer issued to the Registrar and officials of the Registry by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations. They are signed by the President of the Court and by the Registrar.

3. Relations with the Public

(a) *Correspondence*

Article 26, paragraph 1 *(a)*, of the Rules of Court states that the Registrar shall "be the regular channel for communications to and from the Court".

Consequently, correspondence should be addressed to *The Registrar, International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands* (telegraphic address: *INTERCOURT THE HAGUE*; telex: 32323; Telefax 364 99 28). It should be written in either English or French[1].

A special issue of postage stamps is used by the Netherlands postal administration for the franking of correspondence from the Court.

The Court's telephone number is (070) 392 44 41.

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[1] It is not possible for the Registry to give legal advice or to enter into correspondence with private persons concerning any matter at issue between them and the authorities of their own or another country.

(b) *Access to the Court's library and archives*

The library of the Court is separate from the library of the Peace Palace, which is situated in the same building but is administered by the Carnegie Foundation. The relations between the two libraries were the subject of an exchange of notes dated 29 and 30 July 1946 (*I.C.J. Yearbook 1946-1947*, pp. 98-99). The public has access to the Peace Palace Library, but the library of the Court is private.

The Court's library keeps the archives of the Nuremberg *International Military Tribunal*, as entrusted to the Court pursuant to a decision of that Tribunal dated 1 October 1946. These archives, which relate solely to the trial of the major war criminals tried in 1945-1946, may be consulted on written application to the Registrar.

Neither the archives of the Court itself nor those of the *Permanent Court of International Justice* are open to the public (Rules, Art. 26, para. 1 *(n)*).

(c) *Information*

Article 26, paragraph 1 *(k)* and *(m)*, of the Rules of Court provides that the Registrar shall "deal with enquiries concerning the Court and its work" and "ensure that information concerning the Court and its activities is made accessible to governments, the highest national courts of justice, professional and learned societies, legal faculties and schools of law, and public information media". For the purpose of carrying out this function, the Registrar is assisted by one of the Secretaries.

The Registrar arranges as he considers necessary for the publication of information concerning the composition, jurisdiction and work of the Court, and the cases before the Court[1].

The following documentation, issued separately in English and in French, is available free of charge on application to the Registry:

Press Communiqués;

Background Notes, of which four are available:

- *II* and *II bis. Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976);*
- *IV. Note by the Registry indicating the Rules of Court amended on 10 May 1972;*
- *V. Note by the Registry on the Revised Rules of Court (1978);*
- *VI. Collected unofficial summaries of decisions concerning the law of the sea (1946-1986).*

Also obtainable, from the Registry or United Nations Information Centres, are:

– a popular handbook on *The International Court of Justice*, published in Arabic, Chinese, English, French, Russian, Spanish and German editions, which is in particular distributed in the framework of the United

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[1] These publications are distinct from the publications of the Court issued by the Registry: see below, Chap. VII, pp. 190-192.

Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;

- a booklet on the Court published by the United Nations Department of Public Information in English, French, Spanish and Dutch editions;
- unofficial Arabic, Chinese, Russian and Spanish texts of the Rules of Court.

A film on the Court by the United Nations Department of Public Information is also available on application to that Department or to a United Nations Information Centre.

Groups often ask to visit the Registry and have the way the Court functions explained to them. So far as the work of the Court permits, the Registrar accedes to requests of this kind.

Information on the assistance given members of the public and representatives of the press to help them follow the proceedings in cases before the Court will be found within the following section (pp. 136, 137, 140-141).

III. PRACTICE IN REGARD TO PROCEDURE[1]

1. General

(a) *Official languages*

The official languages of the Court are French and English (Statute, Art. 39; Rules, Arts. 51, 70 and 71).

(b) *Official communications*

In all cases submitted to the Court, communications and documents for the Court are delivered to the Registrar and he is the regular channel for communications or notifications from the Court (Rules, Art. 26, para. 1, and Art. 30; Instructions for the Registry, Arts. 3, 11 and 13).

Communications in a case which are intended for a State party thereto are sent to its agent at the Hague address it designates for the purpose (Rules, Art. 40, para. 1).

For communications with other States, the Registrar requests the foreign ministers of States entitled to appear before the Court to indicate the channel through which their governments would wish to receive such communications. The channel of communication indicated is usually the Embassy in The Hague or the Ministry of Foreign Affairs of the State in question.

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[1] For decisions taken by the Court involving the application of its Statute and Rules in procedural matters, see *I.C.J. Yearbook 1962-1963*, pp. 91-137; *I.C.J. Yearbook 1963-1964*, pp. 99-109; *I.C.J. Yearbook 1964-1965*, pp. 87-88; *I.C.J. Yearbook 1965-1966*, pp. 91-92; *I.C.J. Yearbook 1966-1967*, p. 87; *I.C.J. Yearbook 1967-1968*, pp. 87-92; *I.C.J. Yearbook 1968-1969*, pp. 108-112; *I.C.J. Yearbook 1969-1970*, pp. 113-115; *I.C.J. Yearbook 1970-1971*, pp. 109-113; *I.C.J. Yearbook 1971-1972*, pp. 123-125; *I.C.J. Yearbook 1972-1973*, pp. 136-143; *I.C.J. Yearbook 1973-1974*, pp. 125-129; *I.C.J. Yearbook 1974-1975*, pp. 120-123; *I.C.J. Yearbook 1975-1976*, pp. 118-123; *I.C.J. Yearbook 1976-1977*, pp. 113-114; *I.C.J. Yearbook 1977-1978*, pp. 111-119; *I.C.J. Yearbook 1978-1979*, pp. 124-131; *I.C.J. Yearbook 1979-1980*, pp. 125-129; *I.C.J. Yearbook 1980-1981*, pp. 133-137; *I.C.J. Yearbook 1981-1982*, pp. 141-147; *I.C.J. Yearbook 1982-1983*, pp. 125-126; *I.C.J. Yearbook 1983-1984*, pp. 140-141; *I.C.J. Yearbook 1984-1985*, pp. 173-184; *I.C.J. Yearbook 1985-1986*, pp. 164-172; *I.C.J. Yearbook 1986-1987*, pp. 158-163; *I.C.J. Yearbook 1987-1988*, pp. 146-151; *I.C.J. Yearbook 1988-1989*, pp. 159-164; *I.C.J. Yearbook 1989-1990*, pp. 157-162; and pp. 174-182 in Chapter VI, below.

For public international organizations, the Registrar addresses the communications of the Court to the Director-General or Secretary-General of the organization as the case may be.

(c) *Minutes*

The Registrar is present at all sittings and meetings of the Court and is responsible for drawing up the minutes. After being signed by the President and the Registrar, these minutes are filed in the archives (Statute, Art. 47; Rules, Art. 21, Art. 26, para. 1 *(f)-(i)*, and Art. 71; Instructions for the Registry, Art. 19).

(d) *General List*

The Registrar prepares and keeps up to date a General List of cases submitted to the Court (Rules, Art. 26, para. 1 *(b)*, and Art. 38, para. 5; Instructions for the Registry, Art. 6, para. 1, and Art. 46, para. 3).

Extracts from the General List are supplied by the Registry on request, in the form of *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976)*.

(For the General List of the *Permanent Court of International Justice*, see *P.C.I.J., Series E, No. 16,* pp. 92-147.)

2. Procedure in Contentious Cases

(a) *Institution of proceedings and appointment of agents*

As soon as proceedings are instituted (see Chap. III, pp. 57-58, above), the special agreement or the application, filed in one of the two official languages of the Court, is translated and printed in a bilingual edition by the Registry, then communicated to all concerned and to the States entitled to appear before the Court (Statute, Art. 40; Rules, Art. 38, paras. 4 and 5; Art. 39, para. 1, and Art. 42).

The Registrar arranges for the publication of a communiqué informing the general public and the press that proceedings have been instituted. Copies of the special agreement or application may be obtained on request.

The party which files a document instituting proceedings informs the Court at the same time of the name of the agent who will be its representative in the proceedings and take steps on its behalf; the other party then appoints its agent as soon as possible (Statute, Art. 42; Rules, Art. 40). A party may also appoint a co-agent, a deputy-agent or an additional agent. Agents, and counsel and advocates also, enjoy such privileges and immunities as may be required for the independent exercise of their duties (Statute, Art. 42, para. 3; *I.C.J. Acts and Documents No. 5*, pp. 205 and 209).

The President, who is required to ascertain the views of the parties on questions of procedure, summons the agents to meet him as soon as possible after their appointment and whenever necessary thereafter (Rules, Art. 31).

(b) *Written proceedings*

The written proceedings comprise the filing of pleadings within time-limits fixed in orders made by the Court or, if it is not sitting, the President; the pleadings are in principle confined to a Memorial and a Counter-Memorial, though the Court may if it thinks fit authorize or direct that there be a Reply and a Rejoinder (Statute, Art. 43; Rules, Arts. 44-46 and 48; Instructions for the Registry, Art. 14).

The party's submissions are set out in each pleading (Rules, Art. 49).

The agent of the party filing the pleading supplies the Registry (Statute, Art. 43, paras. 3 and 4; Rules, Arts. 50-52) with the following:

- an original copy of the pleading, signed by him, to which is annexed a certified copy of any relevant document adduced in support of the contentions put forward;
- an English or French translation, certified by him to be accurate, of any part of a pleading or annexed document submitted in another language;
- a copy, certified by him, of the pleading and annexed documents, for communication to the other party;
- 125 further copies of the pleading and annexed documents;
- in the case of any document of which only parts are relevant and only necessary extracts have been annexed to the pleading, a copy of the whole document.

The format for the pleadings and annexes is 19 × 26 cm. If they are submitted in printed form, which is not compulsory, it is recommended that the Court's Typographical Rules (supplied by the Registry on request) be complied with. If the composition is entrusted to one of the printers who work for the Court, so that it is not necessary to re-compose the texts when they come to be used in the Court's series *Pleadings, Oral Arguments, Documents* (see *(e)* below), the Court will at that stage reimburse half the cost, at the normal rate, of the composition of the pleading itself and of such annexes as are to be reproduced in the *Pleadings* series (but excluding any text in a language other than English or French or entirely reproduced from another printed pleading).

The Registry usually translates, for the judges, pleadings and annexed documents, filed in one of the official languages of the Court, into the other official language (Rules, Art. 26, para. 1 *(g)*).

The Registrar arranges for the publication of communiqués giving information concerning the course of the written proceedings. Moreover, the Court may, after ascertaining the views of the parties, communicate the pleadings on request to any State entitled to appear before the Court. It may also, after ascertaining the parties' views, make the pleadings available to the general public and the press on or after the opening of the oral proceedings (Rules, Art. 53); this is generally done by depositing copies in a number of Information Centres and libraries, including the Peace Palace Library. The pagination of the pleadings and annexed documents which may thus be made accessible is provisional in character. They are not given their final pagination until they are published in the *I.C.J. Pleadings* series (see *(e)* below).

(c) *Oral proceedings*

Upon the closure of the written proceedings, a case is ready for hearing. The opening date of the oral proceedings is fixed by the Court or, if it is not sitting, the President (Rules, Art. 54). Public sittings are held at the seat of the Court, usually from 10 a.m. to 1 p.m. on weekdays. They are devoted to hearing the arguments of counsel and such evidence of witnesses or experts as the parties may call; the Court itself may also arrange for a witness to be heard, entrust any individual, body or organization with the task of giving an expert opinion or decide on an inspection *in loco*[1] (Statute, Arts. 43-46 and 48-51; Rules, Arts. 57-68; Instructions for the Registry, Art. 20).

The Court settles the order in which the parties are heard, the number of counsel who will address the Court, and the method of handling the evidence (Rules, Art. 58, para. 2). It is customary for the parties to present their arguments in the order in which their pleadings have been deposited or, in the case of proceedings instituted by special agreement, in the order laid down by the Court after consultations with the agents of the parties. Speeches and statements are normally made in one of the Court's two official languages and are (simultaneously) interpreted into the other; arrangements may be made for some other language to be used (Statute, Art. 39; Rules, Art. 70; Instructions for the Registry, Art. 17).

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[1] In the *Corfu Channel (United Kingdom* v. *Albania)* case, the Court heard witnesses and experts presented by each of the Parties, appointed experts by Order and prescribed an enquiry on the spot. In the *Temple of Preah Vihear (Cambodia* v. *Thailand)* case, it heard witnesses and experts presented by each of the Parties. In the *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa)* cases, it heard witnesses and experts presented by one Party, but did not accede to a request concerning an inspection *in loco*. In *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, it heard an expert presented by one Party. The Chamber constituted in the *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* case heard an expert presented by one Party and itself appointed, by Order, at the request of the Parties and in accordance with the Special Agreement concluded between them, a technical expert to assist it in its work. In the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, the Court heard experts presented by each of the Parties. In the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)* it heard witnesses presented by one Party. The Chamber constituted in the case concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)* heard witnesses presented by one of the Parties and experts presented by each of them. In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* the Court heard a witness presented by one of the Parties.

When the Court or a judge puts a question to the agents, counsel and advocates, the answer may be given either immediately or within a time-limit fixed by the President; if given in writing it is communicated to the other party (Rules, Art. 61, paras. 2-4, and Art. 72).

A provisional verbatim record of each public sitting is drawn up by the Registry in the official language used, and translated into the other; copies in the original official language are then communicated to the parties and to the witnesses and experts in order that mistakes may be corrected under the supervision of the Court (Statute, Art. 47; Rules, Art. 71). A period of 24 hours is usually allowed for the submission of corrections.

In the course of the hearings each party reads out its final submissions and hands the Registrar copies of the text (Rules, Art. 60, para. 2). The filing of new documents after closure of the written proceedings is permissible only with the other party's consent or the authorization of the Court; such documents must be filed in the same number of copies as the pleadings (see *(b)* above); the Registrar transmits them to the other party with a request for observations. No reference may be made to the contents of any document which has not been duly produced, unless the document is part of a publication readily available (Statute, Art. 52; Rules, Art. 56).

The Registrar issues communiqués giving all necessary information as to the dates of the hearings (Instructions for the Registry, Art. 12). Admission cards are issued to members of the diplomatic corps and to representatives of the press and also to any person who makes application either in writing or in person at the Peace Palace on the occasion of a hearing. Photographs may be taken before the opening of hearings. Filming for cinema or television purposes is, however, subject to special authorization. There is a Press Room within the Peace Palace, and also a Post Office where a number of telephones are available for the use of journalists. As soon as the provisional, uncorrected verbatim records of each hearing have been duplicated they are made available to representatives of the press, though neither the text nor the pagination is final at that stage (see *(e)* below).

(d) *Deliberations*

After the close of the oral proceedings, the Court withdraws to deliberate in private and to prepare a judgment. The deliberations of the Court are conducted *in camera* and remain confidential. This applies to all aspects of the deliberations, including the schedule of meetings (Statute, Arts. 54-55; Rules, Arts. 19-21; Instructions for the Registry, Art. 16).

The manner in which the Court conducts its deliberations is governed by a resolution concerning the internal judicial practice of the Court, the most recent version of which was adopted on 12 April 1976 (see *I.C.J. Acts and Documents No. 5*, pp. 165-173).

(e) *Judgment*

The judgment is read out at a public sitting for which similar arrangements are made as for a hearing in open court, in particular with regard to the admission of the public and the assistance provided to representatives of the press (see *(c)* above). However, where photography or filming is intended for use in newsreels or television news, it may be authorized not only at the beginning of a sitting but also when the operative terms of the judgment are read out.

The judgment is prepared in both official languages, of which one is indicated as authoritative (Statute, Art. 39; Rules, Art. 96). If it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the judgment indicates the names of the judges constituting the majority (Statute, Arts. 56-58; Rules, Arts. 94 and 95).

Three original copies of the judgment are signed by the President and the Registrar and are then sealed; one is placed in the archives of the Court and the others are handed to the parties (Rules, Art. 95, para. 3; Instructions for the Registry, Art. 21).

Immediately after the public reading, copies of a special duplicated *tirage* are placed at the disposal of the judges and the representatives of the parties. At the same time an unofficial communiqué summarizing the decision is issued on the authority of the Registrar.

As soon as possible, the printed text of the judgment becomes available as a separate fascicle in the *I.C.J. Reports* series, which is sent to States entitled to appear before the Court and is placed on sale. Subsequently, the documentation of the case is published in one or more printed volumes of the series entitled *I.C.J. Pleadings, Oral Arguments, Documents.* It is these printed texts (see Chap. VII, pp. 190-191, below) which should be used for all purposes of quotation or citation.

(f) *Expenses and costs*

The expenses of the Court, including amounts payable to witnesses or experts appearing at the instance of the Court (Rules, Art. 68; Instructions for the Registry, Art. 18), are borne out of the United Nations budget; if a party to a case does not contribute to the United Nations budget, the Court itself fixes the amount payable by that party as a contribution towards the expenses of the Court for the case (see Chap. VIII, p. 217, below).

Each party bears its own costs, unless the Court makes an order in favour of a party for the payment of the costs (Statute, Art. 64; Rules, Art. 95, para. 1, and Art. 97).

3. Occasional Rules in Contentious Cases

(a) *Provisional measures*

The Court has the power to indicate provisional measures (Statute, Art. 41). A request for such measures is treated as a matter of urgency, and the Court's decision is given in an order (Rules, Arts. 73-78)[1].

(b) *Joinder of proceedings*

The Court may direct that the proceedings in two or more cases be joined (Rules, Art. 47). It does this by means of an order[2].

(c) *Preliminary objections*

Preliminary objections (see Chap. III, p. 59, above) must be filed within the time-limit fixed for the filing of the Counter-Memorial (Rules, Art. 79). They suspend the proceedings on the merits and may be answered by the observations and submissions of the opposing party, to be filed within a time-limit fixed by an order. Oral proceedings on the objections ensue, the party which raised them being called upon to speak first. The Court gives its decision on the objections in a judgment; if it dismisses them, the proceedings on the merits are resumed from the point of interruption; they are likewise resumed if it declares that the objections do not possess an exclusively preliminary character[3]. The Court may also give effect to an agreement between the parties that objections should be heard and determined within the framework of the merits[1].

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[1] Such provisional measures have been requested in the following 14 cases: *Anglo-Iranian Oil Co.* (*United Kingdom* v. *Iran*); *Interhandel* (*Switzerland* v. *United States of America*); *Fisheries Jurisdiction* (*United Kingdom* v. *Iceland*) (*Federal Republic of Germany* v. *Iceland*); *Nuclear Tests* (*Australia* v. *France*) (*New Zealand* v. *France*); *Trial of Pakistani Prisoners of War* (*Pakistan* v. *India*); *Aegean Sea Continental Shelf* (*Greece* v. *Turkey*); *United States Diplomatic and Consular Staff in Tehran* (*United States of America* v. *Iran*); *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*); *Frontier Dispute* (*Burkina Faso*/*Republic of Mali*) (case referred to a Chamber); *Border and Transborder Armed Actions* (*Nicaragua* v. *Honduras*) (in this case the request was withdrawn); *Arbitral Award of 31 July 1989* (*Guinea-Bissau* v. *Senegal*); *Passage through the Great Belt* (*Finland* v. *Denmark*).

[2] Proceedings were joined in the following cases: *South West Africa* (*Ethiopia* v. *South Africa; Liberia* v. *South Africa*); *North Sea Continental Shelf* (*Federal Republic of Germany*/*Denmark; Federal Republic of Germany*/*Netherlands*).

[3] The Court gave its decision on the preliminary objections raised in the following 15 cases: *Corfu Channel* (*United Kingdom* v. *Albania*); *Ambatielos* (*Greece* v. *United Kingdom*); *Anglo-Iranian Oil Co.* (*United Kingdom* v. *Iran*); *Nottebohm* (*Liechtenstein* v. *Guatemala*); *Monetary Gold Removed from Rome in 1943* (*Italy* v. *France, United Kingdom and United States of America*); *Certain Norwegian Loans* (*France* v. *Norway*); *Right of Passage over Indian Territory* (*Portugal* v. *India*); *Interhandel* (*Switzerland* v. *United States of America*); *Aerial Incident of 27 July 1955* (*Israel* v. *Bulgaria*); *Temple of Preah Vihear* (*Cambodia* v. *Thailand*); *South West Africa* (*Ethiopia* v. *South Africa; Liberia* v. *South Africa*); *Northern Cameroons* (*Cameroon* v. *United Kingdom*); *Barcelona Traction, Light and Power Company, Limited* (*New Application: 1962*) (*Belgium* v. *Spain*); *Elettronica Sicula S.p.A.* (*ELSI*) (*United States of America* v. *Italy*). Preliminary objections on which the Court will yet have to give a decision have also been raised in two pending cases: *Aerial Incident of 3 July 1988* (*Islamic Republic of Iran* v. *United States of America*) and *Certain Phosphate Lands in Nauru* (*Nauru* v. *Australia*). In other cases the Court was not called upon to give a decision on the preliminary objections, either because they were withdrawn (*Rights of Nationals of the United States of America in Morocco* (*France* v. *United States of America*)) or as the result of a discontinuance (*Aerial Incident of 27 July 1955* (*United States of America* v. *Bulgaria*); *Barcelona Traction, Light and Power Company, Limited* (first application) (*Belgium* v. *Spain*); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient* (*France* v. *Lebanon*)). The Court also dealt with questions of jurisdiction or admissibility in the following nine cases: *Appeal Relating to the Jurisdiction of the ICAO Council* (*India* v.

(d) *Intervention, presentation of information*

A third State may request to be permitted to intervene if it considers that it has an interest of a legal nature which may be affected by the decision in the case; it is for the Court to decide upon such a request (Statute, Art. 62; Rules, Arts. 81 and 83-85)[2]. If the dispute relates to the construction of a convention to which States other than those concerned in the case are parties, these States are notified forthwith and have the right to intervene in the proceedings (Statute, Art. 63; Rules, Arts. 43, 82-84 and 86)[3].

Similarly, public international organizations may, at the request of the Court or a party or on their own initiative, furnish the Court with information relevant to cases before it; whenever the construction of their constituent instruments or of a convention adopted thereunder is in question, they are notified (Statute, Art. 34, paras. 2 and 3; Rules, Art. 69).

(e) *Default, settlement, discontinuance*

If one of the parties does not appear before the Court or fails to defend its case, the other party may call upon the Court to decide in favour of its claim (Statute, Art. 53)[4].

Pakistan); *Fisheries Jurisdiction* (*United Kingdom* v. *Iceland*) (*Federal Republic of Germany* v. *Iceland*); *Nuclear Tests* (*Australia* v. *France*) (*New Zealand* v. *France*); *Aegean Sea Continental Shelf* (*Greece* v. *Turkey*); *United States Diplomatic and Consular Staff in Tehran* (*United States of America* v. *Iran*); *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*); *Border and Transborder Armed Actions* (*Nicaragua* v. *Honduras*).

[1] This was done in *Elettronica Sicula S.p.A.* (*ELSI*) (*United States of America* v. *Italy*). Preliminary objections were joined to the merits under the pre-1972 Rules of Court after agreement between the Parties in the case concerning *Certain Norwegian Loans* (*France* v. *Norway*) and by decision of the Court in the following two cases: *Right of Passage over Indian Territory* (*Portugal* v. *India*); *Barcelona Traction, Light and Power Company, Limited* (*New Application: 1962*) (*Belgium* v. *Spain*).

[2] Permission to intervene was applied for in the *Nuclear Tests* cases (*Australia* v. *France*) (*New Zealand* v. *France*), in the cases concerning the *Continental Shelf* (*Tunisia/Libyan Arab Jamahiriya*) and the *Continental Shelf* (*Libyan Arab Jamahiriya/Malta*) and in the case concerning the *Land, Island and Maritime Frontier Dispute* (*El Salvador/Honduras*).

[3] A third State intervened in the *Haya de la Torre* (*Colombia* v. *Peru*) case and a Declaration of Intervention was submitted in the case concerning *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*).

[4] A number of judgments and orders were delivered in the absence of one of the parties: *Corfu Channel* (*United Kingdom* v. *Albania*), *Assessment of Amount of Compensation; Anglo-Iranian Oil Co.* (*United Kingdom* v. *Iran*), *Interim Protection; Nottebohm* (*Liechtenstein* v. *Guatemala*), *Preliminary Objection; Fisheries Jurisdiction* (*United Kingdom* v. *Iceland*) (*Federal Republic of Germany* v. *Iceland*), *Interim Protection, Jurisdiction of the Court* and *Merits; Nuclear Tests* (*Australia* v. *France*) (*New Zealand* v. *France*), *Interim Protection* and *Second Phase; Trial of Pakistani Prisoners of War* (*Pakistan* v. *India*), *Interim Protection; Aegean Sea Continental Shelf* (*Greece* v. *Turkey*), *Interim Protection* and *Jurisdiction of the Court; United States Diplomatic and Consular Staff in Tehran* (*United States of America* v. *Iran*), *Provisional Measures* and *Merits; Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*), *Merits*.

The Court, or the President if the Court is not sitting, may, by way of an order, officially record the conclusion of a settlement or a discontinuance (Rules, Arts. 88 and 89)[1].

(f) *Execution, interpretation or revision of judgments*

The judgments of the Court are binding, final and without appeal (Charter, Art. 94, para. 1; Statute, Arts. 59-60; Rules, Art. 94, para. 2). The parties may, however, make a request for interpretation or, in certain circumstances, for revision of a judgment (see above, Chap. III, p. 60). The decision of the Court on such requests is given in the form of a judgment (Statute, Arts. 60-61; Rules, Arts. 98-100)[2,3].

Article 94, paragraph 2, of the Charter of the United Nations states that, if any party to a case fails to perform the obligations incumbent upon it under a judgment, the other party may have recourse to the Security Council.

(g) *Special reference to the Court*

When a matter which has been the subject of proceedings before some other international body is brought before the Court, the provisions of the Statute and of the Rules apply (Rules, Art. 87)[4].

4. Procedure in Advisory Cases

In addition to the Rules of Court which are expressly applicable to proceedings in regard to advisory opinions, the Court is guided by the provisions which apply in contentious proceedings (Statute, Art. 68; Rules, Art. 102). It may thus be led to apply the articles of the Statute concerning judges *ad hoc* (see Chap. I, pp. 12-15, above).

The practical information given concerning the course of the procedure in contentious cases (see under 2, above) applies *mutatis mutandis* to the procedure in regard to advisory opinions, in particular as regards arrangements for the public and the representatives of the press.

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[1] The following eight cases ended in discontinuance: *Protection of French Nationals and Protected Persons in Egypt (France* v. *Egypt)*; *Electricité de Beyrouth Company (France* v. *Lebanon)*; *Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria) (United Kingdom* v. *Bulgaria)*; *Barcelona Traction, Light and Power Company, Limited (Belgium* v. *Spain)* (first application); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France* v. *Lebanon)*; *Trial of Pakistani Prisoners of War (Pakistan* v. *India)*; *Border and Transborder Armed Actions (Nicaragua* v. *Costa Rica)*. Furthermore, the case concerning *United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran)* ended in discontinuance as regarded the question of reparation which the Judgment had left to be settled.

[2] The Court gave a decision on a request for interpretation of its Judgment in the *Asylum (Colombia/Peru)* case. See also p. 60, notes 1 and 2, above.

[3] The Court gave a decision on an application for revision and interpretation submitted by Tunisia in connection with its Judgment in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

[4] The Court was seised of an *Appeal Relating to the Jurisdiction of the ICAO Council (India* v. *Pakistan)* in the case of that name.

(a) *Request*

Notice of a request for an advisory opinion (see Chap. III, pp. 60-62, above) is addressed to the Court by the Secretary-General of the United Nations or the chief administrative officer of the organization authorized to make the request; all documents likely to throw light upon the question are to be transmitted at the same time as the request or as soon as possible thereafter (Statute, Art. 65, para. 2; Rules, Art. 104).

Notice of the request for an advisory opinion is given to all States entitled to appear before the Court (Statute, Art. 66, para. 1).

In addition, the Court gives the States and international organizations considered likely to be able to furnish information on the question an opportunity to submit their views in writing or orally, or both (Statute, Art. 66, paras. 2-4).

(b) *Written and oral proceedings*

A request for an opinion usually gives rise to written proceedings followed by oral proceedings (Statute, Art. 66; Rules, Arts. 105 and 106).

In the case of urgency, the Court takes all necessary steps to accelerate the procedure (Rules, Art. 103)[1].

(c) *Deliberations*

The deliberations are conducted in the same manner as in contentious cases (Rules, Arts. 19-21 and 107; Resolution concerning the Internal Judicial Practice of the Court, Art. 10).

(d) *Advisory opinion*

The advisory opinion is read in open Court; if it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the advisory opinion indicates the names of the judges constituting the majority (Statute, Art. 67; Rules, Arts. 107 and 108).

One of the original copies of the advisory opinion is transmitted to the body which made the request (Rules, Art. 109).

The opinions given by the Court are purely advisory in character. The body requesting the opinion may however be committed to accepting it as binding by the terms of the instrument under which it is authorized to request advisory opinions of the Court.

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[1] The Court decided to accelerate the procedure in accordance with Article 103 of the Rules in the case concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

IV. OCCASIONAL FUNCTIONS ENTRUSTED TO THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE

1. International Instruments Providing for Appointment of Arbitrators, etc.

There are many international instruments which provide that in certain eventualities the President of the Court may be requested by the contracting parties to appoint arbitrators, umpires, members of conciliation commissions, etc. Requests of this sort have always been acceded to.

States proposing to insert such a provision in a treaty generally consult the President as to his willingness to accept such a task, and submit the draft provision to him. This frequently provides that, if the President is of the nationality of one of the parties to the dispute, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

Such a provision is found, for instance, in bilateral agreements relating to air transport, social security, reparations or guarantees, loans, technical co-operation and the protection of investments; in multilateral treaties; in conventions or agreements concerning the constitution, status or privileges and immunities of international organizations; and in agreements or contracts concluded between States and international organs.

2. Other Requests for Appointment of Arbitrators

The President of the Court is sometimes requested to appoint arbitrators under the terms of contracts concluded between a State and a corporation or between corporations. Such requests are generally acceded to.

In such cases, too, the usual practice is to consult the President in advance and to submit the draft contract to him. It is usually provided that if the President is of the same nationality as one of the parties to the contract, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

3. Other Appointments

The President has also at times been requested by States or international organizations to appoint persons to fill other offices.

Such appointments are, for instance, provided for in texts such as Article 12 of the Protocol of 23 June 1953 for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, or Article 4 of the Regulations for the execution of the Convention of 14 May 1954 for the protection of cultural property in the event of armed conflict or, again, Rule 109.1 *(a)* of the Staff Rules of the United Nations and Regulation 9.1.1 of the Staff Regulations of the United Nations Educational, Scientific and Cultural Organization.

CHAPTER VI

WORK OF THE COURT IN 1990-1991

During the period under review, the full Court met on 25 and 26 October 1990, on 31 January, 5, 7 and 8 February, from 3 to 11 April, from 24 to 26 June, from 1 to 5 July and on 8 and 9 July 1991, holding 13 public sittings and 20 private meetings.

The Court was seised of the contentious cases: *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*, *East Timor (Portugal* v. *Australia)*, *Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau* v. *Senegal)*, *Passage through the Great Belt (Finland* v. *Denmark)* and *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)*.

The Court made one Order in the contentious case concerning the *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*, one Order in the contentious case concerning *Certain Phosphate Lands in Nauru (Nauru* v. *Australia)* and one Order in the contentious case concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*. The President of the Court made one Order in the contentious case concerning *East Timor (Portugal* v. *Australia)*.

The Chamber constituted to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* held 51 public sittings and 24 private meetings. It delivered a Judgment on the Application by Nicaragua for permission to intervene. The President of the Chamber made one Order.

In addition, the Court dealt with various administrative and budgetary matters and held elections.

I. CASES BEFORE THE COURT

A. CONTENTIOUS CASES BEFORE THE FULL COURT

1. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*

In its Judgment of 27 June 1986 on the merits of this case, the Court found, *inter alia*, that the United States of America was under an obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by certain breaches of obligations under international law committed by the United States. It further decided "that the form and amount of such reparation, failing agreement between the Parties, [would] be settled by the Court", reserving for that purpose the subsequent procedure.

In a letter of 7 September 1987, the Agent of Nicaragua stated that no agreement had been reached between the Parties as to the form and amount of the reparation and that Nicaragua requested the Court to make the necessary orders for the further conduct of the case.

By a letter dated 13 November 1987, the Deputy-Agent of the United States informed the Registrar that the United States remained of the view that the Court was without jurisdiction to entertain the dispute and that the Nicaraguan Application was inadmissible, and that, accordingly, the United States would not be represented at a meeting, to be held in accordance with Article 31 of the Rules of Court, for the purpose of ascertaining the views of the Parties on the procedure to be followed.

After having ascertained the views of the Government of Nicaragua and having afforded the Government of the United States of America an opportunity of stating its views, the Court, by an Order of 18 November 1987 (*I.C.J. Reports 1987*, p. 188), fixed 29 March 1988 as the time-limit for a Memorial of the Republic of Nicaragua and 29 July 1988 as the time-limit for a Counter-Memorial of the United States of America.

The Memorial of the Republic of Nicaragua was duly filed on 29 March 1988. The United States of America did not file a Counter-Memorial within the prescribed time-limit.

At a meeting on 22 June 1990 called by the President of the Court to ascertain the views of Nicaragua and the United States of America on the date for opening of the oral proceedings on compensation in this case, the Agent of Nicaragua informed the President of the position of his Government, already set out in a letter from the Agent to the Registrar of the Court dated 20 June 1990. He indicated that the new Government of Nicaragua was carefully studying the different matters it had pending before the Court; that the instant case was very complex and that, added to the many difficult tasks facing the Government, these were special circumstances that would make it extremely inconvenient for it to take a decision on what procedure to follow in this case during the coming months. The President, in the light of the position of the Government of Nicaragua, stated that he would inform the Court of that position and would in the meantime take no action to fix a date for hearings.

2. *Border and Transborder Armed Actions*
(Nicaragua v. *Honduras)*

On 28 July 1986, the Government of Nicaragua filed in the Registry of the Court an Application instituting proceedings against the Republic of Honduras.

The matters referred to in the Application included alleged border and transborder armed actions organized by *contras* on its territory from Honduras, the giving of assistance to the *contras* by the armed forces of Honduras, direct participation by the latter in military attacks against its territory, and threats of force against it emanating from the Government of Honduras. It requested the Court to adjudge and declare:

"*(a)* that the acts and omissions of Honduras in the material period constitute breaches of the various obligations of customary international law and the treaties specified in the body of this Application for which the Republic of Honduras bears legal responsibility;

(b) that Honduras is under a duty immediately to cease and to refrain from all such acts as may constitute breaches of the foregoing legal obligations;

(c) that Honduras is under an obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by the breaches of obligations under the pertinent rules of customary international law and treaty provisions."

Since Honduras contested that the Court had jurisdiction over the matters raised by the Application, the Court decided that the first pleadings should deal exclusively with the issues of jurisdiction and admissibility. Those pleadings having been filed and the oral arguments of the Parties on those issues having been heard, the Court, in a Judgment delivered on 20 December 1988, found that it had jurisdiction to entertain the Application of Nicaragua and that that Application was admissible.

On 21 April 1989 the President of the Court fixed time-limits for written proceedings on the merits: 19 September 1989 for the Memorial of Nicaragua and 19 February 1990 for the Counter-Memorial of Honduras.

On 31 August 1989 the President of the Court made an Order (*I.C.J. Reports 1989*, p. 123) extending to 8 December 1989 the time-limit for the Memorial and reserving the question of extension of the time-limit for the filing of the Counter-Memorial of Honduras. The Memorial of Nicaragua was filed within the prescribed time-limit.

By letters dated 13 December 1989 the Agents of both Parties transmitted to the Court the text of an agreement reached by the Presidents of the Central American countries on 12 December 1989 in San Isidro de Coronado, Costa Rica. They referred in particular to paragraph 13 thereof, which recorded the agreement of the President of Nicaragua and the President of Honduras, in the context of arrangements aimed at achieving an extra-judicial settlement of the dispute which is the subject of the proceedings before the Court, to instruct their Agents in the case to communicate immediately, either jointly or separately, the agreement to the Court, and to request the postponement of the date for the fixing of the time-limit for the presentation of the Counter-Memorial of Honduras until 11 June 1990.

By an Order of 14 December 1989 (*ibid.*, p. 174), the Court decided that the time-limit for the filing by Honduras of a Counter-Memorial on the merits was extended from 19 February 1990 to a date to be fixed by an order to be made after 11 June 1990.

Subsequent to the date last mentioned, the President of the Court consulted the Parties, was informed that they did not desire the new time-limit for the Counter-Memorial to be fixed for the time being, and informed them that he would so advise the Court.

3. *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark* v. *Norway)*

On 16 August 1988, the Government of Denmark filed in the Registry of the Court an Application instituting proceedings against Norway.

In its Application, Denmark explained that, despite negotiations conducted since 1980, it had not been possible to find an agreed solution to a dispute with regard to the delimitation of Denmark's and Norway's fishing zones and continental shelf areas in the waters between the east coast of Greenland and the Norwegian island of Jan Mayen, where there is an area of some 72,000 square kilometres to which both Parties lay claim.

It therefore requested the Court:

> "to decide, in accordance with international law, where a single line of delimitation shall be drawn between Denmark's and Norway's fishing zones and continental shelf areas in the waters between Greenland and Jan Mayen".

Denmark chose Mr. Paul Henning Fischer to sit as judge *ad hoc*.

By an Order of 14 October 1988 (*I.C.J. Reports 1988*, p. 66), the Court, taking into account the views expressed by the Parties, fixed 1 August 1989 as the time-limit for the Memorial of Denmark and 15 May 1990 for the Counter-Memorial of Norway. Both the Memorial and Counter-Memorial were filed within the prescribed time-limits.

Taking into account an agreement between the Parties that there should be a Reply and a Rejoinder, the President of the Court, by an Order of 21 June 1990 (*I.C.J. Reports 1990*, p. 89), fixed 1 February 1991 as the time-limit for the Reply of Denmark and 1 October 1991 as that for the Rejoinder of Norway. The Reply was filed within the prescribed time-limit.

4. *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*

On 17 May 1989, the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America.

In its Application, the Islamic Republic of Iran referred to:

> "The destruction of an Iranian aircraft, Iran Air Airbus A-300B, flight 655, and the killing of its 290 passengers and crew by two surface-to-air missiles launched from the USS *Vincennes*, a guided-missile cruiser on duty with the United States Persian Gulf/Middle East Force in the Iranian airspace over the Islamic Republic's territorial waters in the Persian Gulf on 3 July 1988".

It contended that,

> "by its destruction of Iran Air flight 655 and taking 290 lives, its refusal to compensate the Islamic Republic for damages arising from the loss of the aircraft and individuals on board and its continuous interference with the Persian Gulf aviation",

the Government of the United States had violated certain provisions of the Chicago Convention on International Civil Aviation (7 December 1944), as amended, and of the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (23 September 1971), and that the Council of the International Civil Aviation Organization (ICAO) had erred in its decision of 17 March 1989 concerning the incident.

The Government of the Islamic Republic of Iran requested, in its Application, the Court to adjudge and declare:

> "*(a)* that the ICAO Council decision is erroneous in that the Government of the United States has violated the Chicago Convention, including the Preamble, Articles 1, 2, 3 *bis* and 44 *(a)* and *(h)* and Annex 15 of the Chicago Convention as well as Recommendation 2.6/1 of the Third Middle East Regional Air Navigation Meeting of ICAO;
>
> *(b)* that the Government of the United States has violated Articles 1, 3 and 10 (1) of the Montreal Convention; and
>
> *(c)* that the Government of the United States is responsible to pay compensation to the Islamic Republic, in the amount to be determined by the Court, as measured by the injuries suffered by the Islamic Republic and the bereaved families as a result of these violations, including additional financial losses which Iran Air and the bereaved families have suffered for the disruption of their activities."

By an Order of 13 December 1989 (*I.C.J. Reports 1989*, p. 132), the Court, taking into account the views expressed by each of the Parties, fixed 12 June 1990 as the time-limit for the filing of the Memorial of the Islamic Republic of Iran and 10 December 1990 for the filing of the Counter-Memorial of the United States of America. Judge Oda appended a declaration to the Order of the Court (*ibid.*, p. 135); Judges Schwebel and Shahabuddeen appended separate opinions (*ibid.*, pp. 136-144 and 145-160).

By an Order of 12 June 1990 (*I.C.J. Reports 1990*, p. 86), made in response to a request by the Islamic Republic of Iran and after the views of the United States of America had been ascertained, the President of the Court extended to 24 July 1990 the time-limit for the filing of the Memorial of the Islamic Republic of Iran and to 4 March 1991 the time-limit for the Counter-Memorial of the United States of America. The Memorial was filed within the prescribed time-limit.

On 4 March 1991, within the time-limit fixed for the filing of its

Counter-Memorial, the United States of America filed certain preliminary objections to the jurisdiction of the Court. By virtue of the provisions of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended and a time-limit had to be fixed for the presentation by the other Party of a written statement of its observations and submissions on the preliminary objections. By an Order of 9 April 1991 (*I.C.J. Reports 1991*, p. 6) the Court, having ascertained the view of the Parties, fixed 9 December 1991 as the time-limit within which the Islamic Republic of Iran may present such observations and submissions.

The Islamic Republic of Iran chose Mr. Mohsen Aghahosseini to sit as judge *ad hoc*. At a public meeting, held on Tuesday 9 April 1991, Judge *ad hoc* Aghahosseini made the solemn declaration required by the Statute and Rules of Court (see below, p. 175, under *(d)*).

5. *Certain Phosphate Lands in Nauru (Nauru* v. *Australia)*

On 19 May 1989, the Republic of Nauru filed in the Registry of the Court an Application instituting proceedings against the Commonwealth of Australia in a dispute concerning the rehabilitation of certain phosphate lands mined under Australian administration before Nauruan independence.

In its Application, Nauru claimed that Australia had breached the trusteeship obligations it accepted under Article 76 of the Charter of the United Nations and under Articles 3 and 5 of the Trusteeship Agreement for Nauru of 1 November 1947. Nauru further claimed that Australia had breached certain obligations towards Nauru under general international law.

The Republic of Nauru requested the Court to adjudge and declare:

> "that Australia has incurred an international legal responsibility and is bound to make restitution or other appropriate reparation to Nauru for the damage and prejudice suffered";

and further

> "that the nature and amount of such restitution or reparation should, in the absence of agreement between the Parties, be assessed and determined by the Court, if necessary, in a separate phase of the proceedings".

By an Order of 18 July 1989 (*I.C.J. Reports 1989*, p. 12), the Court, having ascertained the views of the Parties, fixed 20 April 1990 as the time-limit for the Memorial of Nauru and 21 January 1991 for the Counter-Memorial of Australia. The Memorial was filed within the prescribed time-limit.

On 16 January 1991, within the time-limit of 21 January 1991 fixed for the filing of its Counter-Memorial, Australia filed certain preliminary objections whereby it asked the Court to adjudge and declare "that the Application by Nauru is inadmissible and that the Court lacks jurisdiction to hear the claims made by Nauru". In accordance with Article 79, paragraph 2, of the Rules of Court the proceedings on the merits were suspended and the Court, by an

Order of 8 February 1991 (*I.C.J. Reports 1991*, p. 3), fixed 19 July 1991 as the time-limit within which Nauru might present a written statement of its observations and submissions on the objections. That written statement was filed within the prescribed time-limit.

6. *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*

On 23 August 1989 the Republic of Guinea-Bissau filed in the Registry of the Court an Application instituting proceedings against the Republic of Senegal.

The Application explained that, notwithstanding the negotiations carried on from 1977 onwards, the two States had been unable to reach agreement regarding the settlement of a dispute concerning the maritime delimitation to be effected between them and for that reason had jointly consented, by an Arbitration Agreement dated 12 March 1985, to submit that dispute to an Arbitration Tribunal composed of three members.

It further indicated that, according to the terms of Article 2 of that Agreement, the Tribunal was asked to rule on the following two-fold question:

> "1. Does the agreement concluded by an exchange of letters [between France and Portugal] on 26 April 1960, and which relates to the maritime boundary, have the force of law in the relations between the Republic of Guinea-Bissau and the Republic of Senegal?
>
> 2. In the event of a negative answer to the first question, what is the course of the line delimiting the maritime territories appertaining to the Republic of Guinea-Bissau and the Republic of Senegal respectively?"

The Application added that it had been specified, in Article 9 of the Agreement, that the Tribunal would inform the two Governments of its decision regarding the questions set forth in Article 2, and that that decision should include the drawing on a map of the frontier line – the Application emphasized that the Agreement used the word "line" in the singular.

According to the Application, the Tribunal communicated to the Parties on 31 July 1989 a "text that was supposed to serve as an award", but did not in fact amount to one.

Guinea-Bissau, contending that "A new dispute thus came into existence, relating to the applicability of the text issued by way of award on 31 July 1989", therefore asked the Court to adjudge and declare:

"– that [the] so-called decision [of the Tribunal] is inexistent in view of the fact that one of the two arbitrators making up the appearance of a majority in favour of the text of the 'award', has, by a declaration appended to it, expressed a view in contradiction with the one apparently adopted by the vote;

– subsidiarily, that that so-called decision is null and void, as the Tribunal did not give a complete answer to the two-fold question

raised by the Agreement and so did not arrive at a single delimitation line duly recorded on a map, and as it has not given the reasons for the restrictions thus improperly placed upon its jurisdiction;
- that the Government of Senegal is thus not justified in seeking to require the Government of Guinea-Bissau to apply the so-called award of 31 July 1989".

Guinea-Bissau chose Mr. Hubert Thierry to sit as judge *ad hoc*. At the public sitting of 12 February 1990 (see below), Judge *ad hoc* Thierry made the solemn declaration required by the Statute and Rules of Court.

By an Order of 1 November 1989 (*I.C.J. Reports 1989*, p. 126), the Court, having ascertained the views of the Parties, fixed 2 May 1990 as the time-limit for the filing of the Memorial of Guinea-Bissau and 31 October 1990 for the filing of the Counter-Memorial of Senegal. Both the Memorial and the Counter-Memorial were filed within the prescribed time-limits.

On 18 January 1990 a request was filed in the Registry whereby Guinea-Bissau, on the ground of actions stated to have been taken by the Senegalese Navy in a maritime area which Guinea-Bissau regarded as an area disputed between the Parties, requested the Court to indicate the following provisional measures:

> "In order to safeguard the rights of each of the Parties, they shall abstain in the disputed area from any act or action of any kind whatever, during the whole duration of the proceedings until the decision is given by the Court."

Having held public sittings on 12 February 1990 to hear the oral observations of both Parties on the request for provisional measures, the Court, in an Order of 2 March 1990 (*I.C.J. Reports 1990*, p. 64) dismissed that request. Judges Evensen and Shahabuddeen appended separate opinions to the Order (*ibid.*, pp. 72-73 and 74-78). Judge *ad hoc* Thierry appended a dissenting opinion (*ibid.*, pp. 79-84).

Oral proceedings on the merits of the case were held from 3 to 11 April 1991. During seven public sittings, the Court heard statements made on behalf of Guinea-Bissau and of Senegal. Members of the Court put questions to the Parties.

Mr. Kéba Mbaye, chosen by Senegal to sit as judge *ad hoc* in the case, made the solemn declaration required by the Statute and Rules of Court, at the opening sitting of 3 April 1991.

At the time of preparation of this *Yearbook*, the Court is deliberating on the Judgment.

7. *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*

On 31 August 1990 the Government of the Socialist People's Libyan Arab Jamahiriya filed in the Registry of the Court a notification of an agreement between that Government and the Government of the Republic of Chad, entitled "Framework Agreement on the Peaceful Settlement of the Territorial Dispute between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad", concluded in Algiers on 31 August 1989.

The "Framework Agreement" provides, in Article 1, that

> "The two Parties undertake to settle first their territorial dispute by all political means, including conciliation, within a period of approximately one year, unless the Heads of State otherwise decide"

and in Article 2, that

> "In the absence of a political settlement of their territorial dispute, the two Parties undertake:
>
> *(a)* to submit the dispute to the International Court of Justice . . .".

According to the notification

> "the question put to the Court may be defined in the following terms:
>
> > 'In further implementation of the Accord-Cadre [Framework Agreement], and taking into account the territorial dispute between the Parties, to decide upon the limits of their respective territories in accordance with the rules of international law applicable in the matter.' "

On 3 September 1990, the Republic of Chad filed in the Registry of the Court an Application instituting proceedings against the Socialist People's Libyan Arab Jamahiriya, based on Article 2 *(a)* of the "Framework Agreement" and subsidiarily on Article 8 of a Franco-Libyan Treaty of Friendship and Good Neighbourliness of 10 August 1955.

By that Application the Republic of Chad

> "respectfully requests the Court to determine the course of the frontier between the Republic of Chad and the Libyan Arab Jamahiriya, in accordance with the principles and rules of international law applicable in the matter as between the Parties".

Subsequently, the Agent of Chad, by a letter of 28 September 1990, informed the Court, *inter alia*, that his Government had noted that

> "its claim coincides with that contained in the notification addressed to the Court on 31 August 1990 by the Libyan Arab Jamahiriya",

and considered that

> "those two notifications relate to one single case, referred to the Court in application of the Algiers Agreement, which constitutes the Special Agreement, the principal basis of the Court's jurisdiction to deal with the matter".

At a meeting between the President of the Court and representatives of the Parties held on 24 October 1990 it was agreed between the Agents of the Parties that the proceedings in the present case had in effect been instituted by two successive notifications of the Special Agreement constituted by the "Framework Agreement" of 31 August 1989, that filed by the Libyan Arab Jamahiriya on 31 August 1990, and the communication from the Republic of Chad filed on 3 September 1990 read in conjunction with the letter from the Agent of Chad of 28 September 1990, and that the procedure in the case should be determined by the Court on that basis, pursuant to Article 46, paragraph 2, of the Rules of Court.

Having ascertained the views of the Parties, the Court decided by an Order of 26 October 1990 (*I.C.J. Reports 1990*, p. 149), that, as provided in Article 46, paragraph 2, of the Rules of Court, each Party should file a Memorial and Counter-Memorial, within the same time-limit, and fixed 26 August 1991 as the time-limit for the Memorials.

Chad chose Mr. G. M. Abi-Saab to sit as judge *ad hoc*.

8. *East Timor (Portugal* v. *Australia)*

On 22 February 1991 the Government of the Portuguese Republic filed in the Registry of the Court an Application instituting proceedings against the Commonwealth of Australia in a dispute concerning "certain activities of Australia with respect to East Timor".

In its Application Portugal referred, in order to establish the basis of the Court's jurisdiction, to the Declarations made by the two States under Article 36, paragraph 2, of the Statute of the Court.

It claimed that Australia, by negotiating, with Indonesia, an "agreement relating to the exploration and exploitation of the continental shelf in the area of the 'Timor Gap' ", signed on 11 December 1989, by the "ratification, and the initiation of the performance" of that agreement, by the "related internal legislation", by the "negotiation of the delimitation of that shelf", as also by the "exclusion of any negotiation on those matters with Portugal", had caused "particularly serious legal and moral damage to the people of East Timor and to Portugal, which will become material damage also if the exploitation of hydrocarbon resources begins".

Without prejudice to such arguments of fact and law and to such evidence as might be submitted in due course, and likewise without prejudice to the right to supplement and amend its submissions, Portugal requested the Court:

> "(1) To adjudge and declare that, first, the rights of the people of East Timor to self-determination, to territorial integrity and unity (as defined in paragraphs 5 and 6 of the present Application) and to permanent sovereignty over its wealth and natural resources and, secondly, the duties, powers and rights of Portugal as the administering Power of the Territory of East Timor are opposable to Australia, which is under an obligation not to disregard them, but to respect them.

(2) To adjudge and declare that Australia, inasmuch as in the first place it has negotiated, concluded and initiated performance of the agreement referred to in paragraph 18 of the statement of facts, has taken internal legislative measures for the application thereof, and is continuing to negotiate, with the State party to that agreement, the delimitation of the continental shelf in the area of the 'Timor Gap'; and inasmuch as it has furthermore excluded any negotiation with the administering Power with respect to the exploration and exploitation of the continential shelf in that same area; and, finally, inasmuch as it contemplates exploring and exploiting the subsoil of the sea in the 'Timor Gap' on the basis of a plurilateral title to which Portugal is not a party (each of these facts sufficing on its own):

(a) has infringed and is infringing the right of the people of East Timor to self-determination, to territorial integrity and unity and its permanent sovereignty over its natural wealth and resources, and is in breach of the obligation not to disregard but to respect that right, that integrity and that sovereignty;

(b) has infringed and is infringing the powers of Portugal as the administering Power of the Territory of East Timor, is impeding the fulfilment of its duties to the people of East Timor and to the international community, is infringing the right of Portugal to fulfil its responsibilities and is in breach of the obligation not to disregard but to respect those powers and duties and that right;

(c) is contravening Security Council resolutions 384 and 389 and, as a consequence, is in breach of the obligation to accept and carry out Security Council resolutions laid down by Article 25 of the Charter of the United Nations and, more generally, is in breach of the obligation incumbent on member States to co-operate in good faith with the United Nations;

(3) To adjudge and declare that, inasmuch as it has excluded and is excluding any negotiation with Portugal as the administering Power of the Territory of East Timor, with respect to the exploration and exploitation of the continental shelf in the area of the 'Timor Gap', Australia has failed and is failing in its duty to negotiate in order to harmonize the respective rights in the event of a conflict of rights or of claims over maritime areas.

(4) To adjudge and declare that, by the breaches indicated in paragraphs 2 and 3 of the present submissions, Australia has incurred international responsibility and has caused damage, for which it owes reparation to the people of East Timor and to Portugal, in such form and manner as may be indicated by the Court.

(5) To adjudge and declare that Australia is bound, in relation to the people of East Timor, to Portugal and to the international community, to cease from all breaches of the rights and international norms referred to in paragraphs 1, 2 and 3 of the present submissions

and in particular, until such time as the people of East Timor shall have exercised its right to self-determination, under the conditions laid down by the United Nations:

(*a*) to refrain from any negotiation, signature or ratification of any agreement with a State other than the administering Power concerning the delimitation, and the exploration and exploitation, of the continental shelf, or the exercise of jurisdiction over that shelf, in the area of the 'Timor Gap';

(*b*) to refrain from any act relating to the exploration and exploitation of the continental shelf in the area of the 'Timor Gap' or to the exercise of jurisdiction over that shelf, on the basis of any plurilateral title to which Portugal, as the administering Power of the Territory of East Timor, is not a party."

By an Order of 3 May 1991 (*I.C.J. Reports 1991*, p. 9), the President of the Court, after a meeting with the Agents of the two Parties held on 2 May 1991, at which the Parties agreed on the time-limits set out hereafter, fixed 18 November 1991 as the time-limit for the filing of the Portuguese Memorial and 1 June 1992 as the time-limit for the Australian Counter-Memorial.

9. *Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau* v. *Senegal)*

On 12 March 1991, the Government of the Republic of Guinea-Bissau filed in the Registry of the Court an Application instituting proceedings against the Republic of Senegal in a dispute concerning the delimitation of all the maritime territories of those two States.

In its Application, Guinea-Bissau recalled that, by an Application dated 23 August 1989, it referred to the Court a dispute concerning the existence and validity of the arbitral award made on 31 July 1989 by the Arbitration Tribunal formed to determine the maritime boundary between the two States.

Guinea-Bissau claimed that the objective of the request laid before the Arbitration Tribunal was the delimitation of the maritime territories appertaining respectively to one and the other State, without excluding from the jurisdiction of the Tribunal any of the categories of territory over which the contemporary law of the sea now permits a coastal State to exercise rights, but that it was obvious, when the result of the arbitration was made known on 31 July 1989, that it was not such as to make possible a definitive delimitation of all the maritime areas over which the Parties had rights and that, at the close of the proceedings pending before the Court and whatever might be their outcome, the delimitation of all the maritime territories would still not have been effected.

While reserving the right to supplement and amend its submissions during the subsequent proceedings, the Government of Guinea-Bissau asked the Court to adjudge and declare:

"What should be, on the basis of the international law of the sea and of all the relevant elements of the case, including the future decision of the Court in the case concerning the arbitral '*award*' of 31 July 1989, the line (to be drawn on a map) delimiting all the maritime territories appertaining respectively to Guinea-Bissau and Senegal."

10. Passage through the Great Belt (Finland v. *Denmark)*

On 17 May 1991 the Republic of Finland filed in the Registry of the Court an Application instituting proceedings against the Kingdom of Denmark in respect of a dispute concerning the question of passage of oil rigs through the Great Belt (Storebælt – one of the three straits linking the Baltic to the Kattegat and thence to the North Sea).

In its Application Finland contended that there is no foundation in international law for the unilateral exclusion by Denmark, through the projected construction of a "high-level bridge . . . 65 metres above mean sea level", of the passage between the Baltic and the North Sea by vessels such as drill ships and oil rigs or other existing or reasonably foreseeable ships with a height of 65 metres or above to and from Finnish shipyards and ports. Such exclusion allegedly violated Finland's rights in respect of free passage through the Great Belt as established in the relevant conventions and customary international law. Finland recognized that Denmark is fully entitled, as the territorial sovereign, to take measures to improve its internal and international traffic connections, but contended that Denmark's entitlement to take such measures is necessarily limited by the established rights and interests of all States, and of Finland in particular, in the maintenance of the legal régime of free passage through the Danish straits. In Finland's view, these rights had been ignored by Denmark's refusal to enter into negotiations with Finland in order to find a solution and by its insistence that the planned bridge project be completed without modification.

Accordingly, the Republic of Finland, reserving its right to modify or to add to its submissions and in particular its right to claim compensation for any damage or loss arising from the bridge project, asked the Court to adjudge and declare:

"*(a)* that there is a right of free passage through the Great Belt which applies to all ships entering and leaving Finnish ports and shipyards;

(b) that this right extends to drill ships, oil rigs and reasonably foreseeable ships;

(c) that the construction of a fixed bridge over the Great Belt as currently planned by Denmark would be incompatible with the right of passage mentioned in subparagraphs *(a)* and *(b)* above;

(d) that Denmark and Finland should start negotiations, in good faith, on how the right of free passage, as set out in subparagraphs *(a)* to *(c)* above, shall be guaranteed."

On 23 May 1991 Finland filed in the Registry a request for the indication of provisional measures, contending that "construction work for the East Channel bridge would prejudice the very outcome of the dispute"; that "the object of the Application relates precisely to the right of passage which the completion of the bridge project in its planned form will effectively deny"; and that "in particular, the continuation of the construction work prejudices the negotiating result which the Finnish submissions in the Application aim to attain".

Finland accordingly requested the Court to indicate the following provisional measures:

> "(1) Denmark should, pending the decision by the Court on the merits of the present case, refrain from continuing or otherwise proceeding with such construction works in connection with the planned bridge project over the East Channel of the Great Belt as would impede the passage of ships, including drill ships and oil rigs, to and from Finnish ports and shipyards;"

and

> "(2) Denmark should refrain from any other action that might prejudice the outcome of the present proceedings."

Finland chose Mr. Bengt Broms and Denmark Mr. Paul Henning Fischer to sit as judges *ad hoc*. Both judges *ad hoc* made the solemn declaration required by the Statute and Rules of Court at the public sitting of 1 July 1991.

Between 1 and 5 July 1991, the Court, at six public sittings, heard the oral observations of both Parties on the request for provisional measures.

At a public sitting held on 29 July 1991, the Court read the Order on the request for provisional measures filed by Finland (*I.C.J. Reports 1991*, p. 12). A summary of this Order is given below and is followed by the text of the operative clause.

First, the Court recalled the facts of the case and the submission of the Parties.

Then, on the question of jurisdiction, the Court, recalling that it ought not to indicate provisional measures unless the provisions invoked by the Applicant appeared, prima facie, to afford a basis on which the jurisdiction of the Court might be founded, noted that Finland founded the jurisdiction of the Court primarily upon declarations made by the Parties accepting the compulsory jurisdiction of the Court, and that it had been stated by Denmark that the Court's jurisdiction on the merits was not in dispute. The Court concluded that in the circumstances of the case it was satisfied that it had the power to indicate provisional measures.

The right which Finland submitted was entitled to protection was the right of passage through the Great Belt of ships, including drill ships and oil rigs; this right was of particular importance because, according to Finland, the East Channel of the Great Belt was for certain vessels the only passage-way to and from the Baltic. Denmark, while acknowledging that there was a right of free passage through the Danish Straits for merchant ships of all States, denied that there was such a right of passage for structures up to 170 metres high, on the ground, *inter alia*, that such structures are not ships. Denmark contended that no measures should be granted because not even a prima facie case had been made out in favour of Finland. The Court however noted that the existence of a right of Finland of passage through the Great Belt was not challenged, the dispute between the Parties being over its nature and extent, and concluded that such a disputed right might be protected by provisional measures.

The Court observed that provisional measures were only justified if there was urgency in the sense that action prejudicial to the rights of either party was likely to be taken before a final decision were given. According to the planned schedule for construction of the East Channel Bridge, no physical hindrance for the passage through the Great Belt would occur before the end of 1994; Denmark contended that by that time the case could have been finally decided by the Court, so that no indication of provisional measures was required. Denmark also contended that the construction of the East Channel Bridge would hardly represent any practical hindrance for the passing of drill ships and oil rigs, inasmuch as most of the units in question would be able to take another route, and the remainder would be able to pass under the planned East Channel Bridge if left partly unassembled until after passage of the bridge.

The Court however noted that the right claimed by Finland was to passage specifically through the Great Belt of its drill ships and oil rigs, without modification or disassembly, in the same way as such passage had been effected in the past, and observed that it could not at that interlocutory stage of the proceedings suppose that interference with the right claimed by Finland might be justified on the grounds that the passage to and from the Baltic of drill ships and oil rigs might be achieved by other means, which might moreover be less convenient or more costly. The Court concluded that if construction works on the East Channel Bridge which would obstruct the right of passage claimed were expected to be carried out prior to the decision of the Court on the merits, this might justify the indication of provisional measures. However the Court, placing on record the assurances given by Denmark that no physical obstruction of the East Channel would occur before the end of 1994, and considering that the proceedings on the merits in the instant case would, in the normal course, be completed before that time, found that it had not been shown that the right claimed would be infringed by construction work during the pendency of the proceedings.

Finland claimed moreover that the Danish project was already causing damage to tangible economic interests inasmuch as Finnish shipyards could no longer fully participate in tenders regarding vessels which would be unable to pass through the Great Belt after completion of the East Channel Bridge, and that the existence of the bridge project was having and would continue to have a negative effect on the behaviour of potential customers of those shipyards. In that respect, however, the Court found that proof of the damage alleged had not been supplied.

Finland observed further that the interrelation between the various elements of the Great Belt project had as a consequence that completion of any one element would reduce the possibilities of modifying other elements, and concluded that there was thus urgency, inasmuch as many of the activities involved in the project anticipated a final closing of the Great Belt by excluding practical possibilities for accommodating Finnish interests and giving effect to Finnish rights in the event of a judgment in favour of Finland. Denmark on the other hand argued that, if the Court ruled in favour of Finland on the merits, any claim by Finland could not be dealt with by an order for restitution, but could only be satisfied by damages inasmuch as restitution in kind would be excessively onerous.

The Court, while not at that time called upon to determine the character of any decision which it might make on the merits, observed that in principle if it was established that the construction of works involved an infringement of a legal right, the possibility could not and should not be excluded *a priori* of a judicial finding that such works ought not to be continued or ought to be modified or dismantled. The Court added that no action taken *pendente lite* by a State engaged in a dispute before the Court with another State could have any effect whatever as regards the legal situation which the Court was called upon to define, and such action could not improve its legal position vis-à-vis that other State.

Having observed that it was for Denmark to consider the impact which a judgment upholding Finland's claim could have upon the implementation of the Great Belt project, and to decide whether or to what extent it should accordingly delay or modify that project, and that it was for Finland to decide whether or not to promote reconsideration of ways of enabling drill ships and oil rigs to pass through the Danish Straits in the event that the Court should decide against it, the Court stated that, pending a decision of the Court on the merits, any negotiation between the Parties with a view to achieving a direct and friendly settlement was to be welcomed.

In conclusion, the Court declared that it was clearly in the interest of both Parties that their respective rights and obligations be determined definitively as early as possible, and therefore it was appropriate that the Court, with the co-operation of the Parties, should ensure that the decision on the merits be reached with all possible expedition.

The operative clause of the Order was as follows:

> "THE COURT,
>
> Unanimously,
>
> *Finds* that the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures."

Judge Tarassov appended a declaration (*I.C.J. Reports 1991*, pp. 22-24), and Vice-President Oda, Judge Shahabuddeen and Judge *ad hoc* Broms appended separate opinions to the Order (*ibid.*, pp. 25-27, 28-36 and 37-39).

By an Order of 29 July 1991 (*I.C.J. Reports 1991*, p. 41), the President of the Court, after a meeting with the Agents of the Parties held on the same day, at which the Parties agreed on the time-limits set out hereafter, fixed 30 December 1991 as the time-limit for the filing of the Memorial of Finland and 1 June 1992 as the time-limit for the filing of the Counter-Memorial of Denmark.

11. Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. *Bahrain)*

On 8 July 1991, the Government of the State of Qatar filed in the Registry of the Court an Application instituting proceedings against the Government of the State of Bahrain

> "in respect of certain existing disputes between them relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States".

Qatar claims that its sovereignty over the Hawar islands is well founded on the basis of customary international law and applicable local practices and customs. It has therefore continuously opposed a decision announced by the British Government in 1939, during the time of the British presence in Bahrain and Qatar (which came to an end in 1971), that the islands belonged to Bahrain. This decision was, in the view of Qatar, invalid, beyond the power of the British in relation to the two States, and not binding on Qatar.

With regard to the shoals of Dibal and Qit'at Jaradah, a further decision of the British Government in 1947 to delimit the sea-bed boundary between Bahrain and Qatar purported to recognize that Bahrain had "sovereign rights" in the areas of those shoals. In that decision the view was expressed that the shoals should not be considered to be islands having territorial waters. Qatar has claimed and continues to claim that such sovereign rights as exist over the shoals belong to Qatar; it also considers however that these are shoals and not islands. Bahrain claimed in 1964 that Dibal and Qit'at Jaradah were islands possessing territorial waters, and belonged to Bahrain, a claim rejected by Qatar.

With regard to the delimitation of the maritime areas of the two States, in the letter informing the Rulers of Qatar and Bahrain of the 1947 decision it was stated that the British Government considered that the line divided "in accordance with equitable principles" the sea-bed between Qatar and Bahrain, and that it was a median line based generally on the configuration of the coastline of the Bahrain main island and the peninsula of Qatar. The letter further specified two exceptions. One concerned the status of the shoals; the other that of the Hawar islands.

Qatar states that it did not oppose that part of the delimitation line which the British Government stated was based on the configuration of the coastlines of the two States and was determined in accordance with equitable principles. It rejected and still rejects the claim made by Bahrain in 1964 (that State having refused to accept the above-mentioned delimitation by the British Government) of a new line delimiting the sea-bed boundary of the two States. Qatar bases it claims with respect to delimitation on customary international law and applicable local practices and customs.

Basing the Court's jurisdiction, in accordance with Article 36 (1) of the Court's Statute, on express commitments stated to have been made by Bahrain and itself in agreements of December 1987 and December 1990 concluded in the context of mediation by King Fahd of Saudi Arabia, and referring to the Parties' agreement upon the subject and scope of the disputes to be referred to the Court, the State of Qatar requests the Court:

> "I. To adjudge and declare in accordance with international law
>
> (A) that the State of Qatar has sovereignty over the Hawar islands; and
>
> (B) that the State of Qatar has sovereign rights over Dibal and Qit'at Jaradah shoals;
>
> and
>
> II. With due regard to the line dividing the sea-bed of the two States as described in the British decision of 23 December 1947, to draw in accordance with international law a single maritime boundary between the maritime areas of sea-bed, subsoil and superjacent waters appertaining respectively to the State of Qatar and the State of Bahrain."

B. CONTENTIOUS CASE BEFORE A CHAMBER

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)

On 11 December 1986 El Salvador and Honduras jointly notified to the Court a Special Agreement concluded between them on 24 May 1986, whereby a dispute referred to as the land, island and maritime frontier dispute would be submitted for decision to a chamber which the Parties would request the Court to form under Article 26, paragraph 2, of the Statute, to consist of three Members of the Court and two judges *ad hoc* chosen by each Party.

By an Order of 8 May 1987 the Court, after having received such a request, constituted a Chamber with the following composition: Judges Shigeru Oda, José Sette-Camara and Sir Robert Jennings; Judges *ad hoc* Nicolas Valticos and Michel Virally, chosen respectively by El Salvador and Honduras. The Chamber elected Judge José Sette-Camara to be its President.

In an Order of 13 December 1989 (*I.C.J. Reports 1989*, p. 162), adopted unanimously, the Court took note of the death of Judge *ad hoc* Virally, of the nomination on 9 February 1989 by Honduras of Mr. Santiago Torres Bernárdez to replace him and of a number of communications from the Parties, noted that it appeared that El Salvador had no objection to the choice of Mr. Torres Bernárdez, and that no objection appeared to the Court itself, and declared the Chamber to be composed as follows: Judges José Sette-Camara (President of the Chamber), Shigeru Oda and Sir Robert Jennings; Judges *ad hoc* Nicolas Valticos and Santiago Torres Bernárdez. Judge Shahabuddeen appended a separate opinion to the Order (*I.C.J. Reports 1989*, pp. 165-172). Judge Torres Bernárdez made the solemn declaration required by the Statute and Rules of Court at the first public sitting held by the Chamber thereafter, on 5 June 1990.

The written proceedings in the case have taken the following course: Each party filed a Memorial within the time-limit of 1 June 1988 which had been fixed therefor by the Court after ascertainment of the Parties' views. The Parties having requested, by virtue of their Special Agreement, that the written proceedings should also consist of Counter-Memorials and Replies, the Chamber authorized the filing of such pleadings and fixed time-limits accordingly. At the successive requests of the Parties, the President of the Chamber extended those time-limits, by Orders made on 12 January 1989 and 13 December 1989 (*ibid.*, pp. 3 and 129), to 10 February 1989 and 12 January 1990 respectively. Each Party's Counter-Memorial and Reply were filed within the time-limits as thus extended.

On 17 November 1989 the Republic of Nicaragua addressed to the Court an Application under Article 62 of the Statute for permission to intervene in the case. Nicaragua stated that it had no intention of intervening in respect of the dispute concerning the land boundary between El Salvador and Honduras, its object being:

> "*First*, generally to protect the legal rights of the Republic of Nicaragua in the Gulf of Fonseca and the adjacent maritime areas by all legal means available.
>
> *Secondly*, to intervene in the proceedings in order to inform the Court of the nature of the legal rights of Nicaragua which are in issue in the dispute. This form of intervention would have the conservative purpose of seeking to ensure that the determinations of the Chamber did not trench upon the legal rights and interests of the Republic of Nicaragua, and Nicaragua intends to subject itself to the binding effect of the decision to be given."

Nicaragua further expressed the view that its request for permission to intervene was a matter exclusively within the procedural mandate of the full Court.

In an Order of 28 February 1990 (*I.C.J. Reports 1990*, p. 3), adopted by 12 votes to 3, the Court, having considered the observations submitted by the Parties on that last point and the Applicant's comments thereon, concluded that it was sufficiently informed of the views of the States concerned, without there being any need for oral proceedings, and found that it was for the Chamber formed to deal with the case to decide whether the Application for permission to intervene should be granted. Judge Oda appended a declaration (*I.C.J. Reports 1990*, pp. 7-8), and Judges Elias, Tarassov and Shahabuddeen dissenting opinions (*ibid.*, pp. 9-10, 11-17 and 18-62) to the Order.

Between 5 and 8 June 1990 the Chamber, at five public sittings, heard oral arguments on the Nicaraguan Application for permission to intervene, presented on behalf of Nicaragua, El Salvador and Honduras.

At a public sitting held on 13 September 1990, the Chamber delivered its Judgment on the Application by Nicaragua for permission to intervene (*ibid.*, p. 92). An analysis of the Judgment is given below and is followed by the text of the operative clause.

I. Proceedings and submissions by the Parties (paras. 1-22)

By a joint notification dated 11 December 1986, filed in the Registry of the Court the same day, the Ministers for Foreign Affairs of the Republic of Honduras and the Republic of El Salvador transmitted to the Registrar a certified copy of a Special Agreement in Spanish, signed in the City of Esquipulas, Republic of Guatemala, on 24 May 1986. Its preamble refers to the conclusion on 30 October 1980, in Lima, Peru, of a General Peace Treaty between the two States, whereby, *inter alia*, they delimited certain sections of their common land frontier; and it records that no direct settlement had been achieved in respect of the remaining land areas, or as regards "the legal situation of the islands and maritime spaces".

Article 2 of the Special Agreement, which defines the subject of the dispute, reads, in the translation approved by the Parties:

> "The Parties request the Chamber:
>
> 1. To delimit the boundary line in the zones or sections not described in Article 16 of the General Treaty of Peace of 30 October 1980.
>
> 2. To determine the legal situation of the islands and maritime spaces."

On 17 November 1989 the Republic of Nicaragua filed a request for permission to intervene under Article 62 of the Statute of the Court in the proceedings instituted by the notification of the Special Agreement.

The Court, in an Order dated 28 February 1990 (*I.C.J. Reports 1990*, p. 3), found that it was for the Chamber formed to deal with the present case to decide whether Nicaragua's request should be granted.

II. Nature and extent of the dispute (paras. 23-33)

The Chamber observed that the dispute between El Salvador and Honduras which was the subject of the Special Agreement concerned several distinct though in some respects interrelated matters. The Chamber was asked first to delimit the land frontier line between the two States in the areas or sections not described in Article 16 of the General Peace Treaty concluded by them on 30 October 1980; Nicaragua was not seeking to intervene in this aspect of the proceedings. The Chamber was also to "determine the legal situation of the islands", and that of the "maritime spaces".

The geographical context of the island and maritime aspects of the dispute, and the nature and extent of the dispute as appeared from the Parties' claims before the Chamber, are as follows.

The Gulf of Fonseca lies on the Pacific coast of Central America, opening to the ocean in a generally south-westerly direction. The north-west coast of the Gulf is the land territory of El Salvador, and the south-east coast that of Nicaragua; the land territory of Honduras lies between the two, with a substantial coast on the inner part of the Gulf. The entrance to the Gulf, between Punta Amapala in El Salvador to the north-west, and Punta Cosigüina in Nicaragua to the south-east, is some 19 nautical miles wide. The penetration of the Gulf from a line drawn between these points varies between 30 and 32 nautical miles. Within the Gulf of Fonseca, there is a considerable number of islands and islets.

El Salvador asks the Chamber to find that

> "El Salvador has and had sovereignty over all the islands in the Gulf of Fonseca, with the exception of the Island of Zacate Grande which can be considered as forming part of the coast of Honduras".

Honduras for its part invites the Chamber to find that the islands of Meanguera and Meanguerita are the only islands in dispute between the Parties, so that the Chamber is not, according to Honduras, called upon to determine sovereignty over any of the other islands, and to declare the sovereignty of Honduras over Meanguera and Meanguerita.

The Chamber considered that the detailed history of the dispute was not to the purpose, but that two events concerning the maritime areas must be mentioned. First, the waters within the Gulf of Fonseca between Honduras and Nicaragua were to an important extent delimited in 1900 by a Mixed Commission established pursuant to a Treaty concluded between the two States on 7 October 1894, but the delimitation line did not extend so far as to meet a closing line between Punta Amapala and Punta Cosigüina.

The second event to be mentioned was the following. In 1916 El Salvador brought proceedings against Nicaragua in the Central American Court of Justice, claiming *inter alia* that the Bryan-Chamorro Treaty concluded by Nicaragua with the United States of America, for the construction of a naval base, "ignored and violated the rights of co-ownership possessed by El Salvador in the Gulf of Fonseca".

Nicaragua resisted the claim contending *(inter alia)* that the lack of demarcation of frontiers between the riparian States did "not result in common ownership". The Decision of the Central American Court of Justice dated 9 March 1917 records the unanimous view of the judges that the international status of the Gulf of Fonseca was that of "an historic bay possessed of the characteristics of a closed sea", and in its "Examination of facts and law", the Court found:

> "WHEREAS: The legal status of the Gulf of Fonseca having been recognized by this Court to be that of a historic bay possessed of the characteristics of a closed sea, the three riparian States of El Salvador, Honduras and Nicaragua are, therefore, recognized as coöwners of its waters, except as to the littoral marine league which is the exclusive property of each, . . ." (*AJIL*, 1917, p. 716).

It is claimed by El Salvador in its Memorial in the present case that:

> "On the basis of the 1917 judgement an objective legal régime has been established in the Gulf. Even if initially the judgement was binding only in respect of the direct parties to the litigation, Nicaragua and El Salvador, the legal status recognized therein has been consolidated in the course of time; its effects extend to third States, and in particular, they extend to Honduras."

It further claims that the juridical situation of the Gulf "does not permit the dividing up of the waters held in condominium", with the exception of "a territorial sea within the Gulf", recognized by the Central American Court of Justice. It therefore asks the Chamber to adjudge and declare that:

> "The juridical position of the maritime spaces within the Gulf of Fonseca corresponds to the juridical position established by the Judgement of the Central American Court of Justice rendered March 9th 1917, as accepted and applied there after."

It also contends that

> "So far as the maritime spaces are concerned, the Parties have not asked the Chamber either to trace a line of delimitation or to define the Rules and Principles of Public International Law applicable to a delimitation of maritime spaces, either inside or outside the Gulf of Fonseca."

Honduras rejects the view that the 1917 Judgement produced or reflected an objective legal régime, contending that in the case of

> "a judgment or arbitral award laying down a delimitation as between the parties to a dispute, the solution therein adopted can only be opposed to the parties".

It also observes that

> "it is not the 1917 Judgement which confers sovereignty upon the riparian States over the waters of the Bay of Fonseca. That sovereignty antecedes considerably that judgment between two riparian States, since it dates back to the creation of the three States concerned."

Honduras's contention as to the legal situation of the maritime spaces, to be examined further below, relates to their delimitation between the

Parties. It considers that the Chamber has jurisdiction under the Special Agreement to effect such delimitation, and has indicated what, in the view of Honduras, should be the course of the delimitation line.

As regards maritime spaces situated outside the closing line of the Gulf, Honduras asks the Chamber to find that the "community of interests" between El Salvador and Honduras as coastal States of the Gulf implies that they each have an equal right to exercise jurisdiction over such spaces. On this basis, it asks the Chamber to determine a line of delimitation extending 200 miles seaward, to delimit the territorial sea, the exclusive economic zone and the continental shelf of the two Parties. El Salvador however contends that the Chamber does not, under the Special Agreement, have jurisdiction to delimit maritime areas outside the closing line of the Gulf. El Salvador denies that Honduras has any legitimate claim to any part of the continental shelf or exclusive economic zone in the Pacific, outside the Gulf; it is however prepared to accept that this question be decided by the Chamber.

III. Requirements for intervention under Article 62 of the Statute and Article 81 of the Rules of Court (paras. 35-101)

In its Application for permission to intervene, filed on 17 November 1989, Nicaragua stated that the Application was made by virtue of Article 36, paragraph 1, and Article 62 of the Statute. An application under Article 62 is required by Article 81, paragraph 1, of the Rules of Court to be filed "as soon as possible, and not later than the closure of the written proceedings". The Application of Nicaragua was filed in the Registry of the Court two months before the time-limit fixed for the filing of the Parties' Replies.

By Article 81, paragraph 2, of the Rules of Court, a State seeking to intervene is required to specify the case to which it relates and to set out:

> "*(a)* the interest of a legal nature which the State applying to intervene considers may be affected by the decision in that case;
> *(b)* the precise object of the intervention;
> *(c)* any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case".

The Chamber first examined arguments of El Salvador which were put forward as grounds for the Chamber to reject the Application of Nicaragua *in limine*, without there being any need for further examination of its compliance with Article 62 of the Statute of the Court. These arguments, none of which were upheld by the Chamber, related to the formal compliance of the Application with the requirements of Article 81, paragraph 2, of the Rules of Court, to the alleged "untimeliness" of the Application in view of requests contained in it which would be disruptive at the current advanced stage of the proceedings, and to the absence of negotiations prior to the filing of the Application.

(a) *Interest of a legal nature* (paras. 37 and 52-84)

Nicaragua stated in its Application that:

> "As can be appreciated in Article 2 of the Special Agreement . . ., the Government of Nicaragua has an interest of a legal nature which must inevitably be affected by a decision of the Chamber." (Para. 2.)

It then proceeded to enumerate the "particular considerations supporting this opinion". The Chamber observed that, as the Court had made clear in previous cases, a State applying for permission to intervene under Article 62 of the Statute had to show an "interest of a legal nature which may be affected" by the Court's decision in the case, or that *un intérêt d'ordre juridique est pour lui en cause* – the criterion stated in Article 62.

In the instant case, Nicaragua had gone further: citing the case concerning *Monetary Gold Removed from Rome in 1943* (*I.C.J. Reports 1954*, p. 19), it had argued that its interests were so much part of the subject-matter of the case that the Chamber could not properly exercise its jurisdiction without the participation of Nicaragua. The Chamber therefore examined the way in which the interests of Albania would have formed "the very subject-matter of the decision" in the case concerning *Monetary Gold Removed from Rome in 1943*, and explained that the Court's finding in that case was that, while the presence in the Statute of Article 62 might implicitly authorize continuance of the proceedings in the absence of a State whose "interests of a legal nature" might be "affected", this did not justify continuance of proceedings in the absence of a State whose international responsibility would be "the very subject-matter of the decision". There had been no need to decide what the position would have been had Albania applied for permission to intervene under Article 62. The Chamber concluded that, if in the instant case the legal interests of Nicaragua would have formed part of "the very subject-matter of the decision", as Nicaragua had suggested, this would doubtless have justified an intervention by Nicaragua under Article 62 of the Statute, which laid down a less stringent criterion. The question would then have arisen, however, of whether such intervention under Article 62 of the Statute would have enabled the Chamber to pronounce upon the legal interests of Nicaragua which it was suggested by Nicaragua would have formed the very subject-matter of the decision. The Chamber would therefore first consider whether Nicaragua had shown the existence of an "interest of a legal nature which may be affected by the decision", so as to justify an intervention; and if such was the case, would then consider whether that interest might in fact form "the very subject-matter of the decision" as did the interests of Albania in the case concerning *Monetary Gold Removed from Rome in 1943*.

The Chamber further observed that Article 62 of the Statute contemplated intervention on the basis of an interest of a legal nature "which may be affected by the decision in the case". What had been requested of the Chamber by the Special Agreement in the instant case was not however a decision on a single circumscribed issue, but several decisions on various aspects of the overall dispute between the Parties. The Chamber had to consider the possible effect on legal interests asserted by Nicaragua of its eventual decision on each of the different issues which might fall to be determined, in order to define the scope of any intervention which might be found to be justified under Article 62 of the Statute. If a State could satisfy the Court that it had an interest of a legal nature which might be affected by the decision in the case, it might be permitted to intervene in respect of that interest. But that did not mean that the intervening State was then also permitted to make excursions into other aspects of the case; this was in fact recognized by Nicaragua. Since the scope of any permitted intervention had to be determined, the Chamber had to consider the matters of the islands, the situation of the waters within the Gulf, the possible delimitation of the waters within the Gulf, the situation of the waters outside the Gulf, and the possible delimitation of the waters outside the Gulf.

Whether all of these matters were indeed raised by the wording of Article 2, paragraph 2, of the Special Agreement was itself disputed between the Parties to the case. Accordingly, the list of matters to be considered was in that phase of the proceedings to be entirely without prejudice to the meaning of Article 2, paragraph 2, as a whole, or of any of the terms as used in that Article. The Chamber clearly could not take any stand in the proceedings on the request for permission to intervene on the disputes between the Parties concerning the proper meaning of the Special Agreement: it had to determine the questions raised by Nicaragua's Application while leaving those questions of interpretation entirely open.

Burden of proof (paras. 61-63)

There was some argument before the Chamber on the question of the extent of the burden of proof on a State seeking to intervene. In the Chamber's opinion it was clear, first, that it was for a State seeking to intervene to demonstrate convincingly what it asserted, and thus to bear the burden of proof; and, second, that it had only to show that its interest "might" be affected, not that it would or had to be affected. What needed to be shown by a State seeking permission to intervene could only be judged *in concreto* and in relation to all the circumstances of a particular case. It was for the State seeking to intervene to identify the interest of a legal nature which it considered might be affected by the decision in the case, and to show in what way that interest might be affected; it was not for the Court itself – or in the instant case the Chamber – to substitute itself for the State in that respect. The Chamber also bore in mind in this connection that the Parties to the case were in dispute about the interpretation of the very provision of the Special Agreement invoked in Nicaragua's Application. It noted the reliance by Nicaragua on the principle of recognition, or on estoppel, but did not accept Nicaragua's contentions in that respect.

The Chamber then turned to consideration of the several specific issues in the case which might call for decision, as indicated above, in order to determine whether it had been shown that such decision might affect a Nicaraguan interest of a legal nature.

1. Legal situation of the islands (paras. 65-66)

So far as the decision requested of the Chamber by the Parties is to determine the legal situation of the islands, the Chamber concluded that it should not grant permission for intervention by Nicaragua, in the absence of any Nicaraguan interest liable to be directly affected by a decision on that issue. Any possible effects of the islands as relevant circumstances for delimitation of maritime spaces fell to be considered in the context of the question of whether Nicaragua should be permitted to intervene on the basis of a legal interest which might be affected by a decision on the legal situation of the waters of the Gulf.

2. Legal situation of the waters within the Gulf (paras. 67-79)

(i) The régime of the waters

It is El Salvador's case that, as between El Salvador, Honduras and Nicaragua, there exists "a régime of community, co-ownership or joint sovereignty" over such of the waters of the Gulf of Fonseca "as lie outside the area of exclusive jurisdiction", an "objective legal régime" on the basis of the 1917 Judgement of the Central American Court of Justice. On that basis, El Salvador considers that the juridical situation of the Gulf does not permit the dividing up of the waters held in condominium. El Salvador also contends that the Special Agreement does not confer jurisdiction to effect any such delimitation. Honduras on the other hand contends, *inter alia*, that "the Gulf's specific geographical situation creates a special situation between the riparian States which generates a community of interests" which in turn "calls for a special legal régime to determine their mutual relations"; that the community of interests "does not mean integration and the abolition of boundaries" but, on the contrary, "the clear definition of those boundaries as a condition of effective co-operation"; and that each of the three riparian States "has an equal right to a portion of the internal waters".

The Chamber considered that quite apart from the question of the legal status of the 1917 Judgement the fact, however, was that El Salvador now claimed that the waters of the Gulf were subject to a condominium of the coastal States, and had indeed suggested that that régime "would in any case have been applicable to the Gulf under customary international law". Nicaragua had referred to the fact that it plainly had rights in the Gulf of Fonseca, the existence of which was undisputed, and contended that

> "The condominium, if it is declared to be applicable, would by its very nature involve three riparians, and not only the parties to the Special Agreement."

In the opinion of the Chamber, this was a sufficient demonstration by Nicaragua that it had an interest of a legal nature in the determination of whether or not this was the régime governing the waters of the Gulf: the very definition of a condominium pointed to that conclusion. Furthermore, a decision in favour of some of the Honduran theses would equally be such as might affect legal interests of Nicaragua. The "community of interests" constituting the starting-point of the arguments of Honduras was a community which, like the condominium claimed by El Salvador, embraced Nicaragua as one of the three riparian States, and Nicaragua had therefore to be interested also in that question. The Chamber, therefore, found that Nicaragua had shown to its satisfaction the existence of an interest of a legal nature which might be affected by its decision on those questions.

On the other hand, while the Chamber was thus satisfied that Nicaragua had a legal interest which might be affected by the decision of the Chamber on the question of whether or not the waters of the Gulf of Fonseca were subject to a condominium or a "community of interests" of the three riparian States, it could not accept the contention of Nicaragua that the legal interest of Nicaragua "would form the very subject-matter of the decision", in the sense in which that phrase was used in the case concerning *Monetary Gold Removed from Rome in 1943* to describe the interests of Albania. It followed that the question of whether the Chamber would have power to take a decision on those questions, without the participation of Nicaragua in the proceedings, did not arise; but that the conditions for an intervention by Nicaragua in that aspect of the case were nevertheless clearly fulfilled.

(ii) Possible delimitation of the waters

If the Chamber had not been satisfied that there was a condominium over the waters of the Gulf of such a kind as to exclude any delimitation, it might then have been called upon to effect a delimitation, if it had been satisfied that it had jurisdiction to do so. The Chamber had therefore to consider whether a decision as to delimitation of the waters of the Gulf might affect an interest of a legal nature appertaining to Nicaragua, in order to determine whether Nicaragua should also be permitted to intervene in respect of that aspect of the case. It did not, however, have to consider the possible effect on Nicaragua's interests of every conceivable delimitation which might be arrived at; it is for the State seeking to intervene to show that its interests might be affected by a particular delimitation, or by delimitation in general. Honduras had already indicated in its pleadings how, in its view, the delimitation should be effected. El Salvador, consistently with its position, had not given its views on possible lines of delimitation. Nicaragua, for its part, had not given any indication of any specific line of delimitation which it considered would affect its interests.

The Chamber examined arguments put forward in the Nicaraguan

Application as considerations supporting its assertion of a legal interest; it did not consider that an interest of a third State in the general legal rules and principles likely to be applied by the decision could justify an intervention, or that the taking into account of all the coasts and coastal relationships within the Gulf as a geographical fact for the purposes of a delimitation between El Salvador and Honduras meant that the interest of a third riparian State, Nicaragua, might be affected. The Chamber observed that the essential difficulty in which it found itself, on this matter of a possible delimitation within the waters of the Gulf, was that Nicaragua did not in its Application indicate any maritime spaces in which Nicaragua might have a legal interest which could be said to be such as to be affected by a possible delimitation line between El Salvador and Honduras.

Accordingly the Chamber was not satisfied that a decision in the instant case as to the law applicable to a delimitation, or effecting a delimitation, between Honduras and El Salvador, of the waters of the Gulf (except as regards the alleged "community of interests"), would affect Nicaragua's interests. The Chamber therefore considered that although Nicaragua had, for purposes of Article 62 of the Statute, shown an interest of a legal nature which might be affected by the Chamber's decision on the question of the existence or nature of a régime of condominium or community of interests within the Gulf of Fonseca, it had not shown such an interest which might be affected by the Chamber's decision on any question of delimitation within the Gulf. That finding also disposed of the question, referred to above, of the possible relevance of a decision in the island dispute.

3. Legal situation of waters outside the Gulf (paras. 80-84)

The Chamber then turned to the question of the possible effect on Nicaragua's legal interests of its future decision on the waters outside the Gulf. Honduras claims that by the Special Agreement

> "the Parties have necessarily endowed the Court with competence to delimit the zones of territorial sea and the exclusive economic zones pertaining to Honduras and El Salvador respectively"

and asks the Chamber to endorse the delimitation line advanced by Honduras for the waters outside the Gulf as "productive of an equitable solution". El Salvador interprets the Special Agreement as not authorizing the Chamber to effect any delimitation. Both Parties contended that Nicaragua had no legal interest which might be affected by the decision on the "legal situation" of the maritime spaces outside the Gulf and both Parties denied that the implementation by the Chamber of their respective interpretations of Article 2 could affect Nicaragua's legal interests.

The Chamber noted Honduras's demonstration of a proposed scheme of delimitation designed to avoid any impingement upon waters outside the Gulf which might conceivably be claimed by Nicaragua, upon which the Chamber could not pass in the incidental proceedings, and before hearing argument on the merits. The demonstration did call for some response, in the form of an indication, by the State seeking to intervene, of how those proposals would affect a specific interest of that State, or what other possible delimitation would affect that interest. The charted proposition of Honduras thus gave Nicaragua the opportunity to indicate how the Honduran proposals might affect "to a significant extent" any possible Nicaraguan legal interest in waters west of that Honduran line. Nicaragua had failed to indicate how that delimitation, or any other delimitation regarded by it as a possibility, would affect an actual Nicaraguan interest of a legal nature. The Chamber therefore could not grant Nicaragua permission to intervene over the delimitation of the waters outside the Gulf closing line.

(b) *Object of the intervention* (paras. 85-92)

The Chamber then turned to the question of the object of Nicaragua's Application for permission to intervene in the case. A statement of the "precise object of the intervention" is required by Article 81, paragraph 2 *(b)*, of the Rules of Court.

Nicaragua's indication, in its Application for permission to intervene, of the object of its intervention in the instant case, was as follows:

> "The intervention for which permission is requested has the following objects:
>
> *First*, generally to protect the legal rights of the Republic of Nicaragua in the Gulf of Fonseca and the adjacent maritime areas by all legal means available.
>
> *Secondly*, to intervene in the proceedings in order to inform the Court of the nature of the legal rights of Nicaragua which are in issue in the dispute. This form of intervention would have the conservative purpose of seeking to ensure that the determination of the Chamber did not trench upon the legal rights and interests of the Republic of Nicaragua . . ."

At the hearings, the Agent of Nicaragua emphasized its willingness to adjust to any procedure indicated by the Chamber. It had been contended, in particular by El Salvador, that Nicaragua's stated object was not a proper object.

In so far as the object of Nicaragua's intervention was "to inform the Court of the nature of the legal rights of Nicaragua which are in issue in the dispute", it could not be said that that object was not a proper one: it seemed indeed to accord with the function of intervention. The use in an Application to intervene of a perhaps somewhat more forceful expression ("trench upon the legal rights and interests") was immaterial, provided the object actually aimed at was a proper one. Secondly, it did not seem to the Chamber that for a State to seek by intervention "to protect its claims by all legal means" necessarily involved the inclusion in such means of "that of seeking a favourable judicial pronouncement" on its own claims. The "legal means available" must be those afforded by the institution of intervention for the protection of a third State's legal interests. So understood, that object could not be regarded as improper.

(c) *Basis of jurisdiction: valid link of jurisdiction* (paras. 93-101)

The Chamber further had to consider the argument of El Salvador that for Nicaragua to intervene it had in addition to show a "valid link of jurisdiction" between Nicaragua and the Parties. In its Application, Nicaragua did not assert the existence of any basis of jurisdiction other than the Statute itself, and expressed the view that Article 62 did not require a separate title of jurisdiction.

The question was whether the existence of a valid link of jurisdiction with the parties to the case – in the sense of a basis of jurisdiction which could be invoked, by a State seeking to intervene, in order to institute proceedings against either or both of the parties – is an essential condition for the granting of permission to intervene under Article 62 of the Statute. In order to decide the point the Chamber had to consider the general principle of consensual jurisdiction in its relation with the institution of intervention.

There can be no doubt of the importance of this general principle. The pattern of international judicial settlement under the Statute is that two or more States agree that the Court shall hear and determine a particular dispute. Such agreement may be given *ad hoc*, by Special Agreement or otherwise, or may result from the invocation, in relation to the particular dispute, of a compromissory clause of a treaty or of the mechanism of Article 36, paragraph 2, of the Court's Statute. Those States are the "parties" to the proceedings, and are bound by the Court's eventual decision because they have agreed to confer jurisdiction on the Court to decide the case, the decision of the Court having binding force as provided for in Article 59 of the Statute. Normally, therefore, no other State may involve itself in the proceedings without the consent of the original parties. Nevertheless, procedures for a "third" State to intervene in a case are indicated in Articles 62 and 63 of the Court's Statute. The competence of the Court in this matter of intervention is not, like its competence to hear and determine the dispute referred to it, derived from the consent of the parties to the case, but from the consent given by them, in becoming parties to the Court's Statute, to the Court's exercise of its powers conferred by the Statute. Thus the Court has the competence to permit an intervention even though it be opposed by one or both of the parties to the case. The nature of the competence thus created by Article 62 of the Statute is definable by reference to the object and purpose of intervention, as this appears from Article 62 of the Statute.

Intervention under Article 62 of the Statute is for the purpose of protecting a State's "interest of a legal nature" that might be affected by a decision in an existing case already established between other States, namely the parties to the case. It is not intended to enable a third State to tack on a new case, to become a new party, and so have its own claims adjudicated by the Court. Intervention cannot have been intended to be employed as a substitute for contentious proceedings. Acceptance of the Statute by a State does not of itself create jurisdiction to entertain a particular case: the specific consent of the parties is a prerequisite of that jurisdiction. If an intervener were held to become a party to a case merely as a consequence of being permitted to intervene in it, this would be a very considerable departure from the principle of consensual jurisdiction. It is therefore clear that a State which is allowed to intervene in a case, does not, by reason only of being an intervener, become also a party to the case.

It thus follows from the juridical nature and from the purposes of intervention that the existence of a valid link of jurisdiction between the would-be intervener and the parties is not a requirement for the success of the application. On the contrary, the procedure of intervention is to ensure that a State with possibly affected interests may be permitted to intervene even though there is no jurisdictional link and it therefore cannot become a party. The Chamber therefore concluded that the absence of a jurisdictional link between Nicaragua and the Parties to this case was no bar to permission being given for intervention.

IV. Procedural rights of State permitted to intervene (paras. 102-104)

Since this was the first case in the history of the two Courts in which a State would have been accorded permission to intervene under Article 62 of the Statute, it appeared appropriate to give some indication of the extent of the procedural rights acquired by the intervening State as a result of that permission. In the first place, as has been explained above, the intervening State does not become party to the proceedings, and does not acquire the rights, or become subject to the obligations, which attach to the status of a party under the Statute and Rules of Court, or the general principles of procedural law. Nicaragua, as an intervener, has of course a right to be heard by the Chamber. That right is regulated by Article 85 of the Rules of Court, which provides for submission of a written statement, and participation in the hearings.

The scope of the intervention in this particular case, in relation to the scope of the case as a whole, necessarily involved limitations of the right of the intervener to be heard. An initial limitation was that it was not for the intervener to address argument to the Chamber on the interpretation of the Special Agreement concluded between the Parties on 24 May 1986, because the Special Agreement was, for Nicaragua, *res inter alios acta*; and Nicaragua had disclaimed any intention of involving itself in the dispute over the land boundary. The Chamber then summarized the aspects of the case in respect of which Nicaragua had shown the existence of an interest of a legal nature and those in respect of which it had not, with the consequent limitations on the scope of the intervention permitted.

Operative clause (para. 105)

> "THE CHAMBER,
>
> Unanimously,
>
> 1. *Finds* that the Republic of Nicaragua has shown that it has an interest of a legal nature which may be affected by part of the Judgment of the Chamber on the merits in the present case, namely its decision on the legal régime of the waters of the Gulf of Fonseca, but has not shown such an interest which may be affected by any decision which the Chamber may be required to make concerning the delimitation of those waters, or any decision as to the legal situation of the maritime spaces outside the Gulf, or any decision as to the legal situation of the islands in the Gulf;
>
> 2. *Decides* accordingly that the Republic of Nicaragua is permitted to intervene in the case, pursuant to Article 62 of the Statute, to the extent, in the manner and for the purposes set out in the present Judgment, but not further or otherwise."

*

Judge Oda appended a separate opinion to the Judgment (*I.C.J. Reports 1990*, p. 138).

*

By an Order of 14 September 1990 (*ibid.*, p. 146), the President of the Chamber, having ascertained the views of the Parties and of the intervening State, fixed 14 December 1990 as the time-limit for the submission by Nicaragua of a written statement and 14 March 1991 as the time-limit within which the Parties might, if they so desired, furnish their written observations on the written statement of Nicaragua. Both the written statement by Nicaragua and the written observations thereon by the two Parties were filed within the prescribed time-limit.

At 50 public sittings, held between 15 April and 14 June 1991, the Chamber heard oral arguments by the two Parties, as well as Nicaragua's observations with respect to the subject-matter of its intervention and the two Parties' observations thereon. It also heard a witness, presented by El Salvador.

At the time of preparation of this *Yearbook*, the Chamber is deliberating on its Judgment.

II. APPLICATION OF THE STATUTE AND RULES OF COURT

1. Organization of the Court

(a) *Installation of new judges*
(Statute, Art. 20; Rules, Art. 4)

On 8 February 1991 the Court, in its new composition, held a special public sitting to enable the three new Members of the Court elected on

15 November 1990 by the General Assembly and the Security Council to make their solemn declaration (see Chap. I, p. 9, above).

(b) *The Presidency*

(Statute, Arts. 21 and 48; Rules, Arts. 10, 11, 31, 44, 45, 48 and 74, para. 3)

On 7 February 1991 the Court elected its President and Vice-President for the three-year term of office which had begun on 6 February of that year.

In the case concerning *East Timor (Portugal* v. *Australia)* the President made an Order fixing time-limits for the Memorial and the Counter-Memorial.

In the case concerning *Passage through the Great Belt (Finland* v. *Denmark)* the President fixed a date for a hearing on the request for indication of provisional measures made by Finland, and made an Order fixing time-limits for the Memorial and the Counter-Memorial.

(c) *Non-participation of a judge in a case*

(Statute, Art. 23, para. 3; Rules, Art. 20, para. 2)

In the case concerning *Passage through the Great Belt (Finland* v. *Denmark)*, one of the Members of the Court, for reasons duly explained to the President, was unable to participate in the proceedings on the request for indication of provisional measures made by Finland.

(d) *Judges* ad hoc

(Statute, Arts. 20 and 31; Rules, Arts. 4 and 8)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, Senegal, which after the regular triennial elections no longer had a judge of its nationality on the bench as from 6 February 1991, exercised the power conferred by Article 31, paragraph 2, of the Statute to choose a judge *ad hoc*. The judge *ad hoc* made the solemn declaration required by the Statute and Rules of Court at the first public sitting held by the Court in the case after his nomination.

The power to choose a judge *ad hoc* was also exercised by the Libyan Arab Jamahiriya in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*; by the Islamic Republic of Iran in the case concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*; and by Denmark and Finland in the case concerning *Passage through the Great Belt (Finland* v. *Denmark)*.

The judge *ad hoc* in the case concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)* made his solemn declaration at a public sitting held by the Court for that purpose. Each of the two judges *ad hoc* in the case concerning *Passage through the Great Belt (Finland* v. *Denmark)* made his solemn declaration at the first public sitting held in that case (on the request for indication of provisional measures made by Finland).

In the case concerning *Certain Phosphate Lands in Nauru (Nauru v. Australia)* (questions of jurisdiction and admissibility), neither Party exercised the power to choose a judge *ad hoc*.

(e) *Presidency of a Chamber*

(Statute, Arts. 48 and 62; Rules, Arts. 31 and 85)

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, the President of the Chamber, having ascertained the views of the Parties and of the intervening State, made an Order fixing time-limits for the submission of a written statement by the intervening State and of the written observations by the Parties on that written statement.

2. *Contentious Procedure*

(a) *Institution of proceedings*

(Statute, Art. 40; Rules, Arts. 38, 39, 40 and 42)

Proceedings in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya/Chad)* were instituted in the following way:

On 31 August 1990 the Government of the Socialist People's Libyan Arab Jamahiriya filed in the Registry of the Court a notification of an agreement between that Government and the Government of the Republic of Chad, entitled "Framework Agreement on the Peaceful Settlement of the Territorial Dispute between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad", concluded in Algiers on 31 August 1989.

On 3 September 1990 the Republic of Chad filed in the Registry of the Court an Application instituting proceedings against the Socialist People's Libyan Arab Jamahiriya, based on Article 2 *(a)* of the "Framework Agreement" and subsidiarily on Article 8 of a Franco-Libyan Treaty of Friendship and Good Neighbourliness of 10 August 1955.

Subsequently, the Agent of Chad, by a letter of 28 September 1990, informed the Court, *inter alia*, that his Government had noted that:

> "its claim coincides with that contained in the notification addressed to the Court on 31 August 1990 by the Libyan Arab Jamahiriya"

and considered that

> "those two notifications relate to one single case, referred to the Court in application of the Algiers Agreement, which constitutes the Special Agreement, the principal basis of the Court's jurisdiction to deal with the matter".

At a meeting between the President of the Court and representatives of the Parties held on 24 October 1990 it was agreed between the Agents of the Parties that the proceedings in the case had in effect been instituted by two successive notifications of the Special Agreement constituted by the "Framework Agreement" of 31 August 1989, that filed by the Libyan Arab Jamahiriya on 31 August 1990, and the communication from the Republic of Chad filed on 3 September 1990 read in conjunction with the letter from the Agent of Chad of 28 September 1990, and that the procedure in the case should be determined by the Court on that basis, pursuant to Article 46, paragraph 2, of the Rules of Court.

In each of the cases concerning *East Timor (Portugal* v. *Australia)*, *Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau* v. *Senegal)*, *Passage through the Great Belt (Finland* v. *Denmark)* and *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)*, proceedings were instituted by an Application.

In all cases the Registrar proceeded with the requisite communications, in accordance with the provisions of the Statute and the Rules of Court.

(b) *Fixing of time-limits*

(Statute, Art. 48; Rules, Arts. 31, 38, 39, 44, 46 and 79)

In the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*, the Court, having ascertained the views of the Parties, fixed a time-limit for the filing of a Memorial by each of the Parties.

In the cases concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)* and concerning *Certain Phosphate Lands in Nauru (Nauru* v. *Australia)*, the Court, having ascertained the views of the Parties, fixed a time-limit within which the Applicant might present a written statement of its observations and submissions on the preliminary objections raised by the Respondent (see below, under *(d)*).

(For the fixing of time-limits by the President of the Court in the cases concerning *East Timor (Portugal* v. *Australia)* and *Passage through the Great Belt (Finland* v. *Denmark)*, and by the President of the Chamber in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, see above, under 1 *(b)* and *(e)*.)

(c) *Filing of pleadings*

In the cases concerning *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark* v. *Norway)*, the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)* and *Certain Phosphate Lands in Nauru (Nauru* v. *Australia)* (questions of jurisdiction and admissibility), pleadings were filed by the Parties within the prescribed time-limits.

(d) *Preliminary objections*

(Rules, Art. 79)

In the cases concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)* and *Certain Phosphate*

Lands in Nauru (Nauru v. *Australia)*, preliminary objections were filed by the respective Respondents within the time-limits fixed for the filing of their Counter-Memorials.

In accordance with Article 79 of the Rules of Court the proceedings on the merits were suspended and the Court fixed time-limits for the filing, by the Applicants, of observations and submissions on the Respondent's objections (see above, under *(b)* and *(c)*).

(e) *Accessibility of pleadings to the public*

(Rules, Art. 53, para. 2)

In the cases concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)* and *Passage through the Great Belt (Finland* v. *Denmark)* (Request for indication of provisional measures), the Court, after ascertaining the views of the Parties, decided that the pleadings (i.e., written observations in the last-mentioned case) should be made accessible to the public as from the opening of the oral proceedings.

The Chamber in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* also decided, after ascertaining the views of the Parties and of the intervening State, to make the pleadings accessible to the public as from the opening of the oral proceedings.

(f) *Oral proceedings*

(Rules, Arts. 31, 54 and 58)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, the oral proceedings consisted of two rounds of arguments in which both States participated.

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, the two Parties and the intervening State were heard in the order fixed by the Chamber after consultations between the President of the Chamber, the Registrar and the Agents. Two rounds of hearings, in which both Parties participated, were separately held for each of the following topics: general questions; each of the six disputed segments of the land frontier between El Salvador and Honduras; the legal situation of the islands in the Gulf of Fonseca; the legal régime of the waters of that Gulf; and the legal situation in regard to waters outside the Gulf. At a separate sitting, the intervening State submitted its observations with respect to the subject-matter of its intervention, on which the two Parties, at another sitting, presented their respective observations. The intervening State then made its final presentation at a third sitting.

Hearings on the request for indication of provisional measures made by Finland in the case concerning *Passage through the Great Belt (Finland* v. *Denmark)* consisted of two rounds of arguments in which both Parties participated.

(g) *Questions put by judges*

(Statute, Arts. 45 and 49; Rules, Arts. 61 and 72)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, three Members of the Court put questions to the Parties. The replies were given in writing after the end of the oral proceedings; they were communicated to the other Party for comments.

In the case concerning *Passage through the Great Belt (Finland* v. *Denmark)*, two Members of the Court, during the hearings on the request for the indication of provisional measures made by Finland, put questions to the Parties. Both Parties replied to the questions during the oral proceedings.

(h) *Evidence*

(i) *Calling of a witness and a witness/expert*

(Statute, Arts. 42, 43 and 51; Rules, Arts. 57, 58, 62, 63, 64, 65 and 70)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, one of the Parties, referring to Articles 58, 62 and 65 of the Rules of Court, requested during the hearings that the Court enable the calling of one of the members of its own delegation as a witness or as an expert witness. The other Party, referring to Article 57 of the Rules of Court, opposed that request. The Court decided that it would not be appropriate to accede to the request.

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, one of the Parties presented a witness. Before giving evidence the witness made the declaration laid down in the Rules of the Court. He was examined and cross-examined. As the witness was Spanish-speaking only, the Party calling him made the necessary arrangements for interpretation into one of the official languages of the Court. The Registrar, by recruiting a second interpreter, arranged for the required verification of the interpretation provided by the Party of the evidence; the witness remained outside the courtroom before giving evidence; after he had done so he was allowed to remain in the courtroom.

(ii) *Obtaining of evidence* in situ *and enquiry/expert opinion*

(Rules, Arts. 66 and 67)

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, one of the Parties requested the Chamber to consider obtaining evidence *in situ* in the disputed areas of the land frontier, with the objective of establishing the true situation of those disputed territories, over which both Parties had alleged that they maintained authority and control. The requesting Party would, in addition, welcome an arrangement by the Chamber for an enquiry or an expert opinion on these matters and to the same ends. The President of the Chamber, at the conclusion of the oral proceedings, stated that the Chamber considered that it was not yet in a position to reach a decision on whether it would be appropriate in the case to exercise its powers under Articles 66 and 67 of the Rules and therefore would begin its deliberation in the case and would announce its decision on the requests made by the Party concerned in due course.

(iii) *Showing of maps and projection of slides*

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, both Parties showed enlargements of maps and sketch maps already included in the documentation before the Chamber. The Members of the Chamber were provided by the Parties with reproductions of the maps shown in order to facilitate their following the argument.

During the hearings on the request for the indication of provisional measures made by Finland in the case concerning *Passage through the Great Belt (Finland* v. *Denmark)* both Parties showed slides of maps, bridges, oil rigs and ships, as well as statistics, copies of which were provided to the Members of the Court.

(i) *Presentation of new documents*

(Statute, Art. 52; Rules, Art. 56)

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, new documents were submitted by both Parties after the closure of the written proceedings.

(j) *Final submissions*

(Rules, Art. 60, para. 2; Art. 90)

At the conclusion of the oral proceedings in the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, the Agents of both Parties presented the final submissions of their Governments, which were also submitted in writing.

The same was done by the Agents of the two Parties in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*. The intervening State made a final presentation.

In the case concerning *Passage through the Great Belt (Finland* v. *Denmark)*, the Agent of the Respondent presented the final submissions of his Government on the request for the indication of provisional measures made by the Applicant at the conclusion of the hearings on that request.

(k) *Provisional measures*

(Statute, Arts. 41 and 48; Rules, Arts. 73 and 74)

In the case concerning *Passage through the Great Belt (Finland* v. *Denmark)*, one of the Parties made a request to the Court for the indication of provisional measures on 23 May 1991. From 1 to 5 July

1991 hearings were held by the Court at which oral observations on the request were made by both Parties. The Court made an Order on the request on 29 July 1991 (see above, pp. 156-158).

(l) *Intervention*

(Statute, Art. 62; Rules, Arts. 81 and 85)

In its Judgment on the Application by Nicaragua for permission to intervene in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, the Chamber considered *inter alia* "that a State which is allowed to intervene in a case, does not, by reason only of being an intervener, become also a party to the case" and

> "that the existence of a valid link of jurisdiction between the would-be intervener and the parties is not a requirement for the success of the application. On the contrary, the procedure of intervention is to ensure that a State with possibly affected interests may be permitted to intervene even though there is no jurisdictional link and it therefore cannot become a party. Article 81, paragraph 2 *(c)*, of the Rules of Court states that an application under Article 62 of the Statute shall set out 'any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case'; the use of the words 'any basis' (and in French the formula 'toute base de compétence qui . . . existerait') shows that a valid link of jurisdiction is not treated as a *sine qua non* for intervention (cf. also *Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Application to Intervene, I.C.J. Reports 1981*, p. 16, para. 27)."

The Chamber went on to state that, since it was the first case in the history of the two Courts in which a State would have been accorded permission to intervene under Article 62 of the Statute, it appeared appropriate to give some indication of the extent of the procedural rights acquired by the intervening State as a result of the granting of that permission.

The Chamber then stated that, in the first place, the intervening State does not become party to the proceedings and does not acquire the rights, or become subject to the obligations, which attach to the status of a party, under the Statute and Rules of Court, or the general principles of procedural law. It continued that the right to be heard, which the intervener has, is regulated by Article 85 of the Rules, which provides for submission of a written statement and participation in the hearings. The Chamber finally found that the intervention should be permitted solely with regard to one of several aspects of the case.

(m) *Reading of the decision of the Court or of a chamber*

(i) *Judgment*

(Rules, Arts. 93 and 95)

The Judgment of the Chamber in the case concerning the *Land, Island*

and Maritime Frontier Dispute (El Salvador/Honduras) on the Application by Nicaragua for permission to intervene was read at a public sitting; in view of the length of the text, the President of the Chamber omitted or summarized certain passages.

(ii) *Order of the Court*

The Order of 29 July 1991 relating to the indication of provisional measures in the case concerning *Passage through the Great Belt (Finland* v. *Denmark)* was read by the President of the Court at a public sitting.

(n) *Separate opinions and declaration*

(Statute, Art. 57; Rules, Art. 95, para. 2)

One of the Members of the Chamber appended a separate opinion to the Judgment of the Chamber on the Application for permission to intervene in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*.

In the case concerning *Passage through the Great Belt (Finland* v. *Denmark)* one judge appended a declaration and the Vice-President and two other judges appended separate opinions to the Order relating to the indication of provisional measures.

III. VISITS OF HEADS OF STATE

On 24 October 1990 the President of the Republic of South Africa, H.E. Mr. Frederik Willem de Klerk visited the Court. He was received in private by the then President José Maria Ruda and Members of the Court.

IV. CONTACTS WITH OTHER JUDICIAL BODIES

In the framework of its relationships with other judicial organs of the international community, the Court received, on 14 June 1991, the President and Members of the Court of Justice of the Andean Pact (Tribunal de Justicia del Acuerdo de Cartagena).

V. REPORT AND REPRESENTATION OF THE COURT AT THE GENERAL ASSEMBLY

On the occasion of the forty-fifth session of the General Assembly, the Court submitted a report on its activities from 1 August 1989 to 31 July 1990 (A/45/4). This report was divided into ten parts, relating respectively to the composition, jurisdiction and judicial work of the Court, administrative questions, and its publications and documents. The General

Assembly took note of the report at its 35th plenary meeting held on 25 October 1990.

The President and the Registrar represented the Court at the opening of the forty-fifth session of the United Nations General Assembly. Those Members of the Court who were present in New York also attended part of the forty-fifth session of the General Assembly.

A report dealing with the period 1 August 1990 to 31 July 1991 will be submitted on the occasion of the forty-sixth session of the General Assembly (A/46/4).

VI. APPLICATIONS FROM PRIVATE PERSONS

Private persons frequently apply to the Court for the purpose of obtaining a decision on matters at issue between them and the authorities of their own or of another country. Between 1 August 1990 and 31 July 1991 the Court received approximately 1,200 requests of this kind. The writers were informed that, according to Article 34 of the Statute, "only States may be parties in cases before the Court".

APPENDIX

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Further to the developments with regard to the "United Nations Decade of International Law", taken note of in the Court's previous *Yearbook*, the Legal Counsel of the United Nations, on behalf of the Secretary-General, wrote to the President of the Court (letters of 16 January and 2 February 1991), inviting the Court

> "to submit views on the programme for the Decade and on appropriate action to be taken during the Decade, including the possibility of holding a third international peace conference or other suitable international conference at the end of the Decade".

The reply of the Court has been published in General Assembly document A/45/430 of 12 September 1990, at pages 66-70. It reads as follows:

Letter of 27 August 1990 to the Secretary-General of the United Nations from the President of the International Court of Justice, His Excellency Mr. J. M. Ruda

[Translation]

International law is increasingly destined by the will of States to govern new spheres of human activity involving international co-operation. At the same time, whereas the judicial settlement of international disputes has hitherto mostly been used to settle matters subject to the rules governing the coexistence of States, disputes relating to the law governing co-operation will tend to become more numerous. As a consequence of that development, such disputes will ever more frequently involve groups of States and international organizations as well as States individually. Hence it is normal that the Decade should *inter alia* enable an assessment to be made of the suitability of the machinery of the international legal order to deal with this evolving situation.

The Court cannot but applaud, therefore, an initiative which, in its breadth of vision, is endorsed by the consensus of all States Members of the United Nations. The Court likewise appreciates the place reserved for it among the proposed topics for the Decade. The interest thereby denoted is a sign that the functioning of the Court, along the lines laid down by its Statute, is essentially well suited to the tasks which States have allotted to it.

With regard to the *contentious jurisdiction* of the Court, it should be borne in mind that international justice rests upon the consent of States. It is a corollary of this basic fact that the path towards intensified use of the Court lies through increased acceptance of its compulsory jurisdiction. This in turn implies a need for a clearer perception of the Court's role, in the context of the other means of settling international disputes. The Court, as the principal judicial organ of the United Nations, is primarily entrusted with the settlement of the legal disputes referred to it by States, in accordance with the provisions of its Statute. This mode of settlement is the most appropriate in cases where a solution is being sought upon the basis of the application of international law. To that extent, there can be no doubt that prompt recourse to the Court may also constitute an effective means of preventing the aggravation of a dispute. The same may frequently be said of cases in which the dispute of a legal nature constitutes no more than one of several elements in a wider conflict.

There are different ways in which States may accept the jurisdiction of the International Court of Justice, and among which they may freely choose.

Article 36, paragraph 1, of the Statute, provides that "the jurisdiction of the Court comprises all cases which the parties refer to it". This provision principally relates to the bringing of a case by special agreement or, in other words, by an *ad hoc* agreement designed to refer a case, or a series of cases, to the Court. The special agreement implies a need for a minimum degree of understanding between the parties to a dispute, in actually taking joint action to come before the Court. Another hypothesis to be envisaged within the framework of that provision is that of the *"forum prorogatum"*, which does not involve the express will of a State as manifested by a special agreement, but rather a willingness – most frequently that of the defendant State – that has come into being as a result of acts subsequent to the seisin of the Court.

Article 36, paragraph 1, of the Statute provides moreover that the jurisdiction of the Court comprises "all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force". This is an extremely significant source of the Court's jurisdiction, in so far as hundreds of international instruments, both bilateral and multilateral, provide for its compulsory jurisdiction. A most welcome development has been the recent tendency to withdraw reservations to clauses in treaties that provide for the settlement of disputes by the Court. I would also stress that such significant new instruments as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988 have included provisions giving the Court jurisdiction to settle disputes.

It may also exercise its jurisdiction by virtue of a declaration of acceptance of its compulsory jurisdiction, under Article 36, paragraph 2, of the Statute. Declarations of this kind have currently been made by 51 States, while other States have announced their intention of making such a declaration in the near future. The system of declarations under Article 36, paragraph 2, of the Statute is aimed at making it possible for legal disputes, relating to the most diverse subjects, to be referred to the Court.

Provided that such declarations are not accompanied by unduly extensive reservations, they constitute a dynamic tool that adapts itself *ipso facto* to an expanding corpus of legal rules.

The Statute thus makes available to States a choice of three ways in which their legal disputes can be referred to the Court. The Court notes with satisfaction that all three have proved to be useful in practice.

Moreover, I wish to recall the importance of the Court's *advisory jurisdiction*, which has enabled it to contribute to the solution of some weighty problems encountered by international organizations, by giving them opinions for which they have asked.

Recently, on a number of occasions, the Court has been called upon to deal with cases in which references were made to international instruments providing that the Court's advisory jurisdiction should play a part in dispute settlement between an international organization and a State. In the same way some texts of primordial significance, like the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, adopted on 21 March 1986, provide that on certain assumptions and under certain circumstances disputes between States and international organizations, or between international organizations, may be referred to the Court for an advisory opinion. In most cases those instruments also indicate that the opinion rendered by the Court is to be accepted as final and binding by all the parties to the dispute. This procedure, which does not affect the juridical nature of the Court's advisory jurisdiction under the Statute, is nonetheless an important subject for reflection by the international community. Such provisions, which may gradually become generalized as the activities of international organizations expand to meet the needs of international co-operation, are aimed at overcoming the difficulty arising from the fact that it is impossible for international organizations to bring contentious cases before the Court with a view to settling any disputes to which they may be parties. It is accordingly as well to bear in mind that, in so far as the request for an advisory opinion may, in a particular case, be primarily aimed at achieving the settlement of a dispute, there are inherent limitations on the Court's advisory procedure.

More generally speaking, it is the Court's endeavour to live up to what States expect of the only judicial organ established at global level. As you have recently recalled:

> "The Court is the principal judicial organ of the United Nations. Its judgments represent the most authoritative pronouncement on international law. As follows from Article 36 (3) of the Charter, the Court is also the principal organ for resolving legal disputes between States . . ."[1]

Seen from this viewpoint, the number of States and international organizations entitled to resort to the Court is not the only touchstone of its vocation for universality. It is true that the principal mission of the Court is to settle any dispute referred to it by a Judgment constituting a judicial decision which, under the Statute of the Court, is binding only on the parties to the dispute, as Article 94, paragraph 1, of the Charter confirms in regard to Members of the United Nations[1]. Yet the fact remains that, in performing this function, the Court, by its elucidation of the content of the rules of customary law, or by its interpretation of the rules of treaty law applicable in a given case, is frequently led to satisfy a more general need which transcends the direct effect of the decision upon the parties to the case. This is probably one of the reasons why States – as is evident from their adoption of General Assembly resolution 44/23 – take an undoubted interest in the case-law of the Court, whether or not they are directly concerned in the contentious and advisory cases with which the Court is called upon to deal. The object of that interest on the part of the States is one peculiar to the Court: the development of a jurisprudence conducive to the clarification and strengthening of international law. This is, surely, one of the major benefits accruing to the members of the international community from the existence of the Court as a permanent judicial organ, whether in fields that have for a long time been governed by international law or in areas in which this has only recently come to be the case (i.e., protection of the environment, the protection of human rights, international economic law or the campaign against traffic in drugs).

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[1] *Terms of Reference, Guidelines and Rules of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice*, para. 2.

The Court, faced with such responsibilities, bears constantly in mind the necessity of ensuring that its procedure is commensurate with the expectations of those States and international organizations who are entitled to resort to it. As you know, the Court has certain legal means at its disposal in order to meet such expectations. For example, it revised its Rules in both 1972 and 1978, and this enabled it *inter alia* to give a new impulse to the machinery of *ad hoc* chambers, of which four have so far been formed at the request of States parties to disputes.

Among the other topics suggested for the Decade, two are of particular interest to the Court, namely the objective of encouraging "the teaching, study, dissemination and wider appreciation of international law" and the prospect of "holding a third international peace conference or other suitable international conference at the end of the Decade".

With regard to the first of those topics, the Court would first recall the potential utility of having its decisions published in languages other than its own official languages (English and French), as this could play an essential part in making its case-law known to larger sectors of the world legal community and the general public. The Court has already had occasion to express its opinion in that regard, and to indicate the circumstances in which its judicial decisions could be published in that way[1]. The Court is, moreover, ready to undertake the computerization of its jurisprudence, with a view to providing States, international organizations, lawyers and students with a means of easier access to the information that they need.

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[1] Article 94, paragraph 1, of the Charter is worded as follows: "Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party."

A second aspect of this topic which calls for some comment relates to the teaching of international law. The Members of the Court are most anxious to stress the importance of the teaching of international law in the training of those concerned with international relations. I have already pointed out that international law is undergoing a considerable expansion, which will necessarily have an effect upon the daily lives of individuals and legal entities in every country. It is accordingly the more necessary to disseminate not only the substance of rules that may complement the laws enacted internally in States, but also general concepts regarding the functioning of the international legal order. One of the central objectives of the "United Nations Decade of International Law" should surely be to create in lawyers in all fields, and in all those whose professional activities are in any way linked to relations between States, an enhanced awareness of the scope of the rules of contemporary international law.

With regard to the question of an international conference to bring the Decade to a close, which might take the form of a Third Hague Conference, it would quite naturally fall to the participants in such a conference to determine, in the circumstances prevailing at the end of this century, how best to arrive at an enhancement of the means of peaceful settlement of international disputes, including the legal means to that end. If that conference were to be aimed at the development of a co-ordinated global system and the means by which it could be set in motion, there would obviously be a number of possible approaches. One could, for example, envisage the adoption of an innovative multilateral instrument which – unlike certain texts with a global or regional scope – would potentially establish between its parties a large-scale network of reciprocal undertakings to resort, under certain circumstances, to specific means of settlement, including recourse to the Court.

It goes without saying that the Court could collaborate, in appropriate ways, in the different activities arising from the Decade.

It might for example be possible for some of its Members to be associated with the work that would undoubtedly have to be done as a result of any discussions paving the way for the conference mentioned in resolution 44/23.

I hope that my various comments will have contributed to the effort of joint reflection that is required for the implementation of the ideals of peace and justice, with a view to ensuring the complete success of the "United Nations Decade of International Law".

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[1] See in particular the Note of the Secretary-General dated 23 October 1989, and distributed as document A/C.5/44/13.

The Court has further taken note of the full text of the abovementioned report, with its addenda, as well as of the report of the Working Group on the United Nations Decade of International Law to the Sixth Committee during the last session of the General Assembly (A/C.6/45/L.5, cf. especially p. 12) and of General Assembly resolution 45/40, of 28 November 1990.

CHAPTER VII

PUBLICATIONS OF THE COURT

The publications of the International Court of Justice are published by the Registry (Rules of Court, Art. 26, para. 1 *(i)*, and Art. 71, para. 6; Instructions for the Registry, Arts. 23, 43, 67-69 and 72).

Information about the publications of the present Court and those of its forerunner, the *Permanent Court of International Justice*, is given below[1].

I. GENERAL

1. Series Published by the International Court of Justice

The publications of the Court are at present classified in series as shown hereunder. Their size is 15.6 × 24 cm when they are published in paper covers and 16 × 24.5 cm when published in hard covers.

(a) *Reports of Judgments, Advisory Opinions and Orders*

This series contains the Reports of the decisions of the Court in both the English and the French texts. Each decision is published as soon as given, in an unbound fascicle which is sold separately[2]. To allow for binding, a continuous system of pagination is adopted for all the fascicles of any one year.

In January of each year, an analytical index is published of the previous year's decisions; this also may be purchased separately. A binder is available for those who obtain the separate fascicles and the index at the time of their publication. The collected decisions, with index, for each year may also be obtained ready bound together in one volume.

Forty-two bound volumes have so far been published, the first being the *I.C.J. Reports* for the years 1947 and 1948, which are collected in a single volume. (The *I.C.J. Reports 1965, 1967, 1968, 1977, 1979* and *1983* are not indexed.)

Official citation of the series: *I.C.J. Reports*, with an indication of the year. For a separate fascicle the short title of the case and the nature of the decision should be given, e.g.: *Nottebohm, Preliminary Objection, Judgment, I.C.J. Reports 1953*, p. 111; or *Nottebohm, Order of 15 January 1954, I.C.J. Reports 1954*, p. 7. (See Sec. II, pp. 198-206, below.)

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[1] The documents prepared and distributed by the Registry for information purposes are dealt with in Chapter V, above: see pp. 131-132.

[2] See Chap. V, p. 137, above.

(b) *Pleadings, Oral Arguments, Documents*

Volumes in this series are published after the termination of each case and contain the documentation relating to the case in the original language, that is, in English or in French.

This comprises the document instituting proceedings[1], the written pleadings and their annexes[2], the verbatim record of the oral proceedings[3], any documents submitted to the Court after the closure of the written proceedings, and the correspondence. The Court however decided in 1967 that the annexes to the pleadings would no longer be printed in cases which had been removed from the General List either because the application instituting proceedings disclosed that the other side had not accepted the jurisdiction of the Court or because there had been a settlement or a discontinuance of the case.

Depending upon the length of the documents to be printed, one or more volumes are issued for each case. Thus far 120 volumes have been published. The volumes which appeared up to 31 December 1964 are sold in hard covers whereas subsequent volumes are in paper covers.

Abbreviated reference: *I.C.J. Pleadings*, with the short title of the case, e.g.: *I.C.J. Pleadings, Nottebohm*, Vol. I. (See Sec. III, pp. 211-216, below.)

(c) *Acts and Documents concerning the Organization of the Court*

Five volumes have appeared in this bilingual (English/French) series.

No. 1 is now out of print.

No. 2 contained, in paper covers, the text of the Rules of Court as amended in 1972.

No. 3 contained the texts of the Charter of the United Nations, the Statute and Rules of Court and the Resolution concerning the Internal Judicial Practice of the Court, together with certain documents relating to the Court's privileges and immunities. It was published in 1977, in paper covers.

No. 4 contains the same documents as *No. 3* but with the text of the 1978 revised Rules of Court replacing that of the 1972 amended Rules; it further includes certain resolutions concerning States entitled to appear before the Court. It was published in July 1978 and is available in paper covers.

No. 5 contains the same documents as *No. 4*, with some corrections and an additional resolution concerning a State entitled to appear before the Court. It was published in July 1990, the stock of *No. 4* having been exhausted, and is available in paper covers.

Abbreviated reference: *I.C.J. Acts and Documents*, with an indication of the number of the volume.

(d) *Yearbook*

In the second half of each year there appears a *Yearbook* in which an account is given of the work of the Court during the period from 1 August of the preceding year to 31 July of the current year. There is also a French edition of this publication, the *Annuaire*.

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[1] See Chap. V, pp. 133 and 141, above.

[2] *Ibid.*, pp. 134-135, above.

[3] *Ibid.*, pp. 135-136, above.

The present *Yearbook* is the forty-fifth in the series, which started with *I.C.J. Yearbook 1946-1947*. Like the 27 preceding issues, it is sold in paper covers whereas the first 18 volumes were sold in hard covers.

Abbreviated reference: *I.C.J. Yearbook*, with an indication of the year covered by the volume, e.g.: *I.C.J. Yearbook 1954-1955*.

(e) *Bibliography of the International Court of Justice*

Early each year the Registry issues a *Bibliography* listing such works and documents relating to the Court as have come to its attention during the previous year.

Bibliographies Nos. 1-18 formed Chapter IX in the appropriate *Yearbook* or *Annuaire* up to the 1963-1964 editions. Beginning with No. 19, later *Bibliographies* were issued as separate fascicles with introduction and index in both English and French, but arranged so as to facilitate the binding of several numbers together. The latest *I.C.J. Bibliography* published is No. 43 (year 1989).

Abbreviated reference: *I.C.J. Bibliography*, with the serial number of the volume, followed, if desired, by the entry number of the work cited. E.g.: *I.C.J. Bibliography No. 7:* 2528 for the *Bibliographies* prior to No. 35, and *I.C.J. Bibliography No. 35:* 81: 150 as from 1981.

2. *Dissemination of the Publications of the International Court of Justice*

The publications of the Court are distributed free on request and as required to the governments or public services of all States entitled to appear before the Court.

They may be consulted in major law libraries, including many university libraries, certain depository libraries for United Nations publications, and libraries aided by the United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law.

They are sold by the Sales Sections of the United Nations Secretariat: Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10, Switzerland, or the Sales Section, United Nations, New York, NY 10017, USA, and may also be obtained from any bookseller selling United Nations publications. *Orders and requests for information should be sent to these addresses and not to the Registry.*

A *Catalogue* is issued in English and French. It lists the sales number of each publication and its price in US dollars. It is brought up to date each year, by means either of an addendum or of a new edition. A free copy of the *Catalogue* may be obtained by applying to one of the Sales Sections of the United Nations or to the Registry.

3. *Publications of the Permanent Court of International Justice*

Between 1922 and 1946 the *Permanent Court of International Justice* published the following series:

Series A (Nos. 1-24): *Collection of Judgments* (up to and including 1930)
Series B (Nos. 1-18): *Collection of Advisory Opinions* (up to and including 1930)
Series A/B (Nos. 40-80): *Judgments, Orders and Advisory Opinions* (beginning in 1931)
Series C (Nos. 1-19): *Acts and Documents relating to Judgments and Advisory Opinions given by the Court* (up to and including 1930)
Series C (Nos. 52-88): *Pleadings, Oral Statements and Documents* (beginning in 1931)
Series D (Nos. 1-6): *Acts and Documents concerning the Organization of the Court*
Series E (Nos. 1-16): *Annual Reports*
Series F (Nos. 1-4): *General Indexes*

They may be consulted in certain university and other libraries with a substantial legal section.

They can also be obtained from Kraus Reprint Company, Kraus Organization Limited, Route 100, Millwood, NY 10546, USA, to whom all orders and requests for information should be addressed.

II. Official Citation of Judgments, Advisory Opinions and Orders

In order to standardize the mode of citation of the decisions of the International Court of Justice and the *Permanent Court of International Justice*, the Court decided to use the titles below, which are listed in chronological order.

Orders solely fixing or extending time-limits are omitted.

1. Permanent Court of International Justice

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1923

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Status of Eastern Carelia, Advisory Opinion, 1923, P.C.I.J., Series B, No. 5.

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Jaworzina, Advisory Opinion, 1923, P.C.I.J., Series B, No. 8.

1924

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1925

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"Lotus", Judgment No. 9, 1927, P.C.I.J., Series A, No. 10.

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Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów), Judgment No. 11, 1927, P.C.I.J., Series A, No. 13.

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1935

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1991

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III. ABBREVIATED REFERENCES TO PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

In order to standardize the abbreviated references to the *Pleadings, Oral Arguments, Documents* series of the International Court of Justice and the corresponding volumes *(Series C)* of the *Permanent Court of International Justice*, the Court decided to use the titles below, which are given in chronological order based on the date of entry of the case in the General List.

For the convenience of the reader, the names of the Parties in contentious cases (separated by a stroke if proceedings were instituted by means of a special agreement), or the name of the body which requested the advisory opinion, have been added in small type to the abbreviated references.

An asterisk indicates that a case was removed from the list before a final judgment or an advisory opinion was given, or if it failed for some other reason to reach its normal conclusion.

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1924

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1925

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1926

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1927

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1928

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1935

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1955

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1958

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1959

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IMCO Assembly

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1960

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1961

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UN General Assembly

1962

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1970

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1971

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1973

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1975

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UN General Assembly

1976

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1978

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1979

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1980

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1981

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Committee on Applications
for Review of UNAT Judgements

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UN General Assembly

1989

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UN Economic and Social Council

CHAPTER VIII

FINANCES OF THE COURT

I. Financial Regulations

In regard to financial matters, the International Court of Justice applies Articles 32, 33, 35 and 64 of the Statute of the Court, Article 26, paragraph 1 *(j)*, of the Rules of Court, the Staff Regulations for the Registry and the relevant resolutions of the General Assembly of the United Nations.

1. General Regulations

(a) *Method of covering expenditure*

Article 33 of the Statute of the Court provides: "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." As the budget of the Court has consequently been incorporated in the budget of the United Nations, member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments determined by the General Assembly.

States which are not members of the United Nations but which are parties to the Statute pay, in accordance with the undertaking into which they entered when they became parties to the Statute (see Chap. III, pp. 54-55, above), a contribution the amount of which is fixed from time to time by the General Assembly in consultation with them. By its resolution 43/223 of 21 December 1988, the General Assembly decided that these States should contribute to the expenses of the Court for the years 1989, 1990 and 1991 in the following proportions: Liechtenstein 0.01%; Nauru 0.01%; San Marino 0.01%; Switzerland 1.08%.

If a State which is not a party to the Statute but to which the Court is open is a party to a case, the Court will fix the amount which that party is to contribute towards the expenses of the Court (Statute, Art. 35, para. 3). Payment is then made by the State concerned to the account of the United Nations in New York.

The contributions of States which are not members of the United Nations are taken into account as miscellaneous income received by the Organization.

Under an established rule, sums derived from staff assessment, sales of publications (dealt with by the Sales Sections of the Secretariat – see Chap. VII, p. 192, above), bank interest, etc., are also recorded as United Nations income.

(b) *Drafting of the budget*

In accordance with the Instructions for the Registry (Arts. 26-30), a preliminary draft budget is prepared by the Registrar. If the Court is sitting, this preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court and then, for approval, to the Court itself. If the Court is not sitting, approval must be given by the President.

When it has been approved, the draft budget is forwarded to the Secretariat of the United Nations for incorporation in the draft budget of the United Nations. It is then examined by the United Nations Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of the resolutions concerning the budget of the United Nations and its unforeseen and extraordinary expenses.

Since 1974 the budget has been presented biennially.

(c) *Financing of appropriations and accounts*

The Registrar is responsible for executing the budget, with the assistance of the Accountant/Establishment Officer. He has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget (Instructions for the Registry, Art. 31). He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority (Instructions for the Registry, Art. 35).

The accounts of the Court are audited every year by the auditors of the Secretariat of the United Nations and by the Board of Auditors appointed by the General Assembly. At the end of each biennium, the closed accounts are forwarded to the Secretariat of the United Nations (Instructions for the Registry, Art. 34).

2. *Salaries and Expenses of Judges*

(a) *Emoluments*

By virtue of Article 32, paragraph 5, of the Statute, the salaries, allowances and compensation paid to the judges are fixed by the General Assembly. In this connection, the General Assembly adopted resolution 19 (I) of 6 February 1946, resolution 85 (I) of 11 December 1946, resolution 474 (V) of 15 December 1950, resolution 1738 (XVI) of 20 December 1961, resolution 2366 (XXII) of 19 December 1967, resolution 2890 B (XXVI) of 22 December 1971, resolution 3193 B (XXVIII) of 18 December 1973, resolution 3537 B (XXX) of 17 December 1975, resolution 31/204 of 22 December 1976, resolution 35/220 A of 17 December 1980, resolution 40/257 of 18 December 1985 and resolution 45/250 of 21 December 1990.

The emoluments of Members of the Court are made up of an annual salary, which is normally reviewed by the General Assembly every five years, but which may not be decreased during the period of office (Statute of the Court, Art. 32, paras. 1 and 5; General Assembly resolution 31/204 of 22 December 1976), and an interim cost-of-living supplement calculated at the beginning of each year (resolution 31/204 of 22 December 1976 and resolution 35/220 A of 17 December 1980). This annual salary and interim supplement were, respectively, US$50,000 with effect from 1 January 1976 (resolution 3537 B (XXX) of 17 December 1975), and US$24,500 with effect from 1 January 1980. At its session in autumn 1980, the General Assembly, effecting its first five-yearly review of the emoluments of Members of the Court, fixed the annual salary at US$70,000, thus in fact incorporating in it part of the interim supplement (resolution 35/220 A of 17 December 1980). In January 1981, the interim supplement was recalculated on a new base and fixed at US$12,000 for 1981. Both these new rates were applied with effect from 1 January 1981. In 1982, 1983, 1984 and 1985 the interim supplement remained unchanged.

At its session in Autumn 1985, the General Assembly, effecting its second five-yearly review of the emoluments of Members of the Court, fixed the annual salary at US$82,000, thus incorporating part of the interim supplement (resolution 40/257 of 18 December 1985). The interim supplement was fixed at US$3,000 for 1986 and remained unchanged for 1987. For 1988 this supplement was fixed at US$13,800 and remained unchanged for 1989. For 1990 this supplement was fixed at US$19,750.

During the third five-yearly review the General Assembly fixed the annual salary at US$145,000, with effect from 1 January 1991.

Under Article 32, paragraphs 2 and 3, of the Statute, the President of the Court and the Vice-President (for every day on which he acts as President) receive special allowances in addition, at a rate fixed by resolution 40/257 of 18 December 1985.

Finally, under Article 32, paragraph 4, of the Statute and General Assembly resolution 19 (I) of 6 February 1946, judges *ad hoc* chosen to sit in certain cases under Article 31 of the Statute receive daily fees and a daily allowance. From 1 January 1976 onwards, this fee and this allowance were US$84 and US$53 respectively (resolution 3537 B (XXX) of 17 December 1975); the total of US$137 per day represented 1/365th of the annual salary of US$50,000. At the time of the first five-yearly review of the emoluments of Members of the Court, the General Assembly decided to apply to the judges *ad hoc* the system of interim cost-of-living supplements; with effect from 1 January 1981, it fixed their daily fee at US$192, being 1/365th of US$70,000, and their daily allowance at 1/365th of the cost-of-living supplement payable to Members of the Court (resolution 35/220 A of 17 December 1980).

During the second five-yearly review it was decided that, with effect from 1 January 1986, the daily fee of *ad hoc* judges would be fixed at US$225, being 1/365th of US$82,000, and that their daily allowance should be US$8, being 1/365th of the interim supplement of US$3,000 payable to Members of the Court (resolution 40/257 of 18 December

1985). For 1988 this daily allowance was fixed at US$38, being 1/365th of US$13,800 and remained unchanged for 1989. For 1990 this daily allowance was fixed at US$54, being 1/365th of US$19,750.

During the third five-yearly review it was decided that, with effect from 1 January 1991, the daily fee of *ad hoc* judges would be fixed at US$397, being 1/365th of US$145,000.

The emoluments of the judges are thus as set out on the following scale:

	US$
President:	
Annual salary	145,000
Special allowance	15,000
Vice-President:	
Annual salary	145,000
Allowance equivalent to US$94 for every day on which he acts as President, up to an annual maximum of	9,400
Other Members:	
Annual salary	145,000
Judges ad hoc:	
Fee of US$397 for each day on which they exercise their functions.	

(b) *Pensions*

Article 32, paragraph 7, of the Statute provides: "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to Members of the Court." The General Assembly adopted the Pension Scheme Regulations for Members of the International Court of Justice which appear as an annex to resolution 86 (I) of 11 December 1946. Amendments to these regulations were made by resolution 1408 (XIV) of 1 December 1959. The General Assembly adopted new regulations by its resolution 1562 (XV) of 18 December 1960. Some provisions of the regulations were modified by resolution 1925 (XVIII) of 11 December 1963, resolution 2367 (XXII) of 19 December 1967, resolution 2890 A (XXVI) of 22 December 1971, resolution 3193 A (XXVIII) of 18 December 1973, resolution 3537 A (XXX) of 17 December 1975, resolution 35/220 B of 17 December 1980. The General Assembly effected further modifications by resolution 38/239 of 20 December 1983, resolution 40/257 of 18 December 1985 and resolution 45/250 of 21 December 1990.

According to the revised regulations which came into operation on 1 January 1984, any Member of the Court who has ceased to hold office and who has reached the age of 60 years is entitled, if he has completed at least three years of service, to a retirement pension during the remainder of his life. If he has served a full term of nine years, the amount of the annual pension is one-half of the annual salary. If he has served for more than nine years, the amount of the pension is increased up to a maximum of two-thirds of the annual salary. It is reduced if he has served for less than nine years.

Furthermore, a Member of the Court who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he reached that age, may elect to receive a pension from any date after the date on which he ceases to hold office. The amount of such pension would be that amount which has the same actuarial value as the pension which would have been paid to him at the age of 60.

Provision is made also for disability pensions and pensions for widows and children.

By its resolution 31/204 of 22 December 1976, the General Assembly decided that the retirement pensions given to Members of the Court should be reviewed concurrently with the periodic revision of their annual salary.

The text of the Regulations concerning the pensions scheme of the Members of the International Court of Justice, as revised by the General Assembly in its resolution 38/239 of 20 December 1983, is reproduced in the *Yearbook 1983-1984*, pp. 175-179.

(c) *Conditions of service*

In Section C of resolution 40/257 of 18 December 1985, the General Assembly laid down certain conditions of service applicable to Members of the Court. The text of the relevant portion of this resolution is as follows:

> "*The General Assembly*,
>
> *Recalling* its resolutions 37/237, section XIV, of 21 December 1982, 38/234, section XVII, of 20 December 1983, and 39/236, section V, of 18 December 1984, on conditions of service and compensation for officials other than Secretariat officials,
>
> *Having considered* the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,
>
> 1. *Decides* that, with effect from 1 January 1986, the President and members of the Court who have taken up primary residence in The Hague, shall be reimbursed, up to a ceiling of $4,500, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related travel per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;
>
> 2. *Decides* that, with effect from 1 January 1986, those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for at least five continuous years during service with the Court, shall be eligible to receive a lump sum equivalent to eighteen weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands, and that those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for nine

continuous years or more during service with the Court, shall receive the equivalent of twenty-four weeks of annual net base salary upon completion of service and relocation outside the Netherlands;

3. *Decides* that, with effect from 1 January 1986, in the event of the death of a member of the Court during his service, compensation shall be provided to the survivors in the form of a lump-sum payment equivalent to one month of base salary per year of service, subject to a minimum of three months and a maximum of nine months."

With effect from 1 January 1991, the ceiling for reimbursement for the actual cost of education, referred to in paragraph 1 of the above resolution, was fixed at US$6,750.

(d) *Travelling expenses*

By virtue of Article 32, paragraph 7, of the Statute, regulations made by the General Assembly fix the conditions under which Members of the Court have their travelling expenses refunded. The General Assembly adopted the Travel and Subsistence Regulations of the International Court of Justice which appear in the annex to resolution 85 (I) of 11 December 1946. On 21 December 1982, by resolution 37/240, it adopted new Travel and Subsistence Regulations of the International Court of Justice (set out in *I.C.J. Yearbook 1982-1983*, pp. 164-167).

3. Salaries, Allowances and Expenses of the Registrar and Officials of the Registry

(a) *Emoluments*

By virtue of Article 32, paragraph 6, of the Statute, the salary of the Registrar is fixed by the General Assembly on the proposal of the Court. By resolution 85 (I) of 11 December 1946 confirmed by resolution 474 (V) of 15 December 1950, the General Assembly decided that "the annual salary of the Registrar of the International Court of Justice shall be assimilated to that of a top-ranking director of the Secretariat of the United Nations". In the existing structure, the Registrar has the rank of an Assistant Secretary-General and the Deputy-Registrar that of a Director.

Officials of the Registry in the professional category, both permanent and temporary, receive the same salary and the same allowances as officials of the United Nations belonging to the same category.

For the purposes of the schedule of post adjustments applicable to the permanent staff of the professional category, The Hague was in Class 7/+5.2 as from 1 July 1991. For temporary staff of the professional category, the subsistence allowance is fixed at 388 guilders a day.

Salaries and allowances of permanent and temporary staff members in the general service category are based on the best prevailing local rates.

The figures given in the budget estimates and accounts in respect of salaries are net figures, after deduction of staff assessment.

(b) *Pensions*

By virtue of Article 12 of the Staff Regulations for the Registry, the Registrar and the officials of the Registry are participants in the United Nations Joint Staff Pension Fund. They participate on the same conditions as all other officials of the United Nations.

(c) *Travelling expenses*

Under Article 5 of the regulations concerning the travel and subsistence allowances of the Members of the International Court of Justice, dated 21 December 1982 (*I.C.J. Yearbook 1982-1983*, p. 167), the travel and subsistence provisions applicable to the Registrar of the Court are as set out in the Staff Regulations of the United Nations for officials of comparable rank, subject to any exceptions authorized by the President of the Court.

The travelling expenses of officials of the Registry are paid under conditions similar to those applied in the Secretariat of the United Nations (Staff Regulations for the Registry, Art. 12).

4. Common Services

The common services of the Court and of the Registry and the capital expenditure of the Court come under special items in the budget.

In particular, the Court pays to the Carnegie Foundation an annual contribution for the premises it occupies at the Peace Palace and in the new wing (see Chap. V, p. 125, above). The amount of the contribution was first fixed by the General Assembly in resolution 84 (I) of 11 December 1946 and has subsequently undergone successive alterations. It was increased to 980,000 guilders as from 1 January 1991 and will be increased to 1,009,400 guilders as from 1 January 1992.

II. Budget for the Biennium 1990-1991

1. Ordinary Expenses

The Budget of the Court for the biennium 1990-1991, which forms Part V, Section 25, of the Budget of the United Nations, was adopted by the General Assembly on 21 December 1989 (resolution 44/202).

Programme UN-N-25-181. Members of the Court	US$	US$
Salaries and allowances	2,922,800	
Pensions	1,347,100	
Travelling expenses	317,300	
Education grants	64,900	
		4,652,100

Programme UN-N-25-182. The Registry	US$	US$
Salaries – established posts	4,299,400	
Common staff costs	1,147,800	
Salaries and travel costs of temporary assistance	1,180,100	
Travelling on official business	45,600	
Overtime	46,800	
Representation allowance	7,200	
Hospitality	5,500	
		6,732,400
Programme UN-N-25-800. Common Services		
Contribution to the Carnegie Foundation	931,100	
General operating expenses	268,800	
Contractual printing	405,400	
Supplies and materials	150,400	
Library	86,300	
Furniture and equipment	98,400	
Miscellaneous expenses	8,100	
		1,948,500
		13,333,000

2. Unforeseen and Extraordinary Expenses

On 21 December 1989 the General Assembly, in accordance with previous practice, adopted resolution 44/203, containing the following provisions:

> "*The General Assembly*
>
> 1. *Authorizes* the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 1990-1991 to meet unforeseen and extraordinary expenses arising either during or subsequent to that biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:
>
> . . . .
>
> *(b)* Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:
>
> (i) The designation of *ad hoc* judges (Statute of the Court, Article 31), not exceeding a total of $250,000;
>
> (ii) The appointment of assessors (Statute, Article 30), or the calling of witnesses and the appointment of experts (Statute, Article 50), not exceeding a total of $75,000;
>
> (iii) The holding of sessions of the Court away from The Hague (Statute, Article 22), not exceeding a total of $100,000."

3. Audit of Accounts

The accounts were audited by the competent authorities from 19 March to 5 April 1990 and from 18 to 28 March 1991.

The publications of the INTERNATIONAL COURT OF JUSTICE may be ordered from any bookseller. For information regarding the sale of the Court's publications please write to the *Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10 (Switzerland)*, or the *Sales Section, United Nations, New York, NY 10017 (USA)*.

The publications of the PERMANENT COURT OF INTERNATIONAL JUSTICE (1920-1946) are obtainable from Kraus Reprint Company, Kraus Organization Limited, Route 100, Millwood, NY 10546, USA, to which all requests should be addressed.

All enquiries other than with regard to purchase of publications should be addressed to the *Registrar of the International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands* (telephone: 392 44 41).

PRINTED IN THE NETHERLANDS